

**RULES  
OF THE  
GEORGIA STATE SENATE**

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**2002 SESSION**

**Adopted: January 14, 2002**

## **ORGANIZATION.**

**Rule 1.** The legislative power of the State shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

(Ga. Const., art. III, sec. I, par. I.)

**Rule 2.** The Senate and the House of Representatives shall be organized by the Secretary of the Senate or the Clerk of the House of Representatives who shall be ex officio presiding officer until a presiding officer is elected. No question except one relating to the organization shall be entertained by such officer; and, in deciding such question, he shall be governed, as far as practicable, by the standing rules of the house over which he presides. In the absence of such officer, his assistant may officiate. In the absence of both, the body may appoint a chairman whose powers and duties shall be the same as those of the Secretary or Clerk.

(O.C.G.A. 28-1-3)

**Rule 3.** There shall be a Lieutenant Governor, who shall be elected at the same time, for the same term, and in the same manner as the Governor. The Lieutenant Governor shall be the President of the Senate and shall have such executive duties as prescribed by the Governor and as may be prescribed by law not inconsistent with the powers of the Governor or other provisions of this Constitution. The compensation and allowances of the Lieutenant Governor shall be as provided by law.

(Ga. Const., art. V, sec. I, par. III.)

**Rule 4.** (a) The presiding officer of the Senate shall be styled the President of the Senate.

(b) A President Pro Tempore shall be elected by the Senate from among its members. The President Pro Tempore shall act as President in case of the temporary disability of the President. In case of the death, resignation, or permanent disability of the President or in the event of the succession of the President to the executive power, the President Pro Tempore shall become President and shall receive the same compensation and allowances as the Speaker of the House of Representatives. The General Assembly shall provide by law for the method of determining disability as provided in this Paragraph.

(Ga. Const., art. III, sec. III, par. I.)

**Rule 5.** While presiding or in the absence of the President of the Senate, the President Pro Tempore shall have the same powers and duties as the President of the Senate.

**Rule 6.** The other officers of the two houses shall be a Secretary of the Senate and a Clerk of the House of Representatives.

(Ga. Const., art. III, sec. III, par. III.)

**Rule 7.** Not more than twelve (12) Doorkeepers shall be employed during each day in which the Senate is in session.

**Rule 8.** (a) Senators elected to the following offices shall choose their Senate seats in the order listed below:

President Pro Tempore

Majority Leader

Minority Leader

All Senators who have more than 20 years of continuous service in the Senate shall be seated in the order in which their names appear on the list established for selecting offices.

Administration Floor Leader

Majority Whip

Minority Whip

One Assistant Administration Floor Leader

Chairman of the Rules Committee

All other Senators shall be seated by district number in ascending numerical order commencing with the lowest permanently numbered available seat.

(b) Only on the first day of the first regular session of a General Assembly and at no other time, any two members may by mutual agreement communicated in writing to the Secretary of the Senate exchange with each other the seats which would otherwise be assigned to them under this rule.

**Rule 9.** In addition to any other oath prescribed by law, each Senator and Representative, before taking the seat to which elected, shall take the following oath: "I do hereby solemnly swear or affirm that I will support the Constitution of this state and of the United States and, on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this state."

(O.C.G.A. 28-1-4a.)

**Rule 10.** The oath of office prescribed by subsection(a) of this Code section may be administered to the members of the General Assembly by any Justice of the Supreme Court, Judge of the Court of Appeals, judge of the superior courts, or judge of the state courts. Such Justice or judge shall be procured by the person organizing each branch.

(O.C.G.A. 28-1-4b.)

**Rule 11.** There shall be a Secretary of the Senate and a Clerk of the House of Representatives, elected by the members of each House respectively by recorded vote; and a majority of votes cast is necessary to elect. Their terms of office shall be the time for which the members of the General Assembly are elected and until their successors are elected.

(O.C.G.A. 28-3-20)

**Rule 12.** The Secretary of the Senate and the Clerk of the House of Representatives, before entering on the discharge of their duties, shall take an oath before the respective presiding officers of the two houses to discharge their duties faithfully and to the best of their skill and knowledge. Said oath should be entered in the journals of the respective houses.

(O.C.G.A. 28-3-25)

**Rule 13.** Immediately after their election, the Secretary of the Senate and the Clerk of the House of Representatives shall each give bond and security in the sum of \$5,000, payable to the Governor and his successors in office, and conditioned for the faithful discharge of their respective duties. The bonds shall be approved by the President of the Senate and Speaker of the House respectively.

(O.C.G.A. 28-3-21)

**Rule 14.** The Senate is entitled to a sergeant at arms who shall perform such duties as may be required of him, who shall be elected by the Senate, and who shall be compensated as provided by resolution of the Senate.

(O.C.G.A. 28-3-1)

**Rule 15.** It shall be the duty of the Sergeant at Arms to attend to the wants of the Senate while in session, to aid in the enforcement of order under the direction of the President and the Decorum Committee, to supervise the doorkeepers, to introduce messengers and visitors, and to execute the demands of the Senate from time to time, together with all such processes, issued under its authority, as may be directed to him.

**Rule 16.** (a) No person shall be employed as a page who is under the age of twelve years. Each Senator shall be allowed to name no more than ten pages to be paid by the Senate during any regular session. In addition to the ten pages named, each Senator may name ten honorary pages during the session; the honorary pages must be paid

by that Senator in the same amount as that received by pages paid by the Senate. The President shall be allowed to name for each day of any regular session such number of pages as may be determined by the President. There shall be no more than thirty (30) pages per day, except that pages named by the President shall not count against this limit. Each Senator desiring to name a page for any particular day of the

session shall file with the Director of Pages the name of each person he wishes to have serve as his page and the date of proposed service. Such notice shall be filed at least three days prior to the date the proposed page desires to serve. The Director of Pages shall select the 30 pages who shall serve on each day of the session in the order in which such notices are filed. Each Senator can assign his pages or page days to another Senator. There shall be no pages except as herein provided.

(b) The Rules Committee, subject to the approval of the President, shall establish a program of familiarization with State Government, its procedures and those duties and responsibilities which will be required of pages. The Director of Pages shall require each page to attend a training session prior to his service as a page during which the page will become acquainted with his duties and responsibilities.

**Rule 17.** (a) No person shall be allowed to enter upon the floor of the Senate except (1) the Senators and officers thereof, (2) the officers and members of the House, (3) the Governor of the State, (4) staff members of the Secretary of the Senate, Clerk of the House, and the Office of Legislative Counsel, (5) former Senators, except those registered as lobbyists or who are presently employed by the State (6) staff members of the Office of the Lieutenant Governor, the Senate Research Office, the Senate Information Office, and the Senate Photographer, and (7) such others as the Senate may allow upon written recommendation of the Rules Committee.

As provided for in Rule 17, the Senate Rules Committee recommends to the Senate the following:

1. Any Senator may bring a person in the rear alcove (between the main door and the rail) of the Senate Chamber for a period of not more than five minutes if the Senator remains with him during that time. Aides and staff shall not loiter in this area.

2. From 8 A.M. until adjournment each day, Senators and the staff of the President Pro Tempore only shall be allowed in the North Lobby of the Chamber.

3. Spouses and families of Senators may be seated in the left front (facing the rostrum) of the Senate Chamber in chairs provided for them.

4. While the Senate is in session, there shall be no more than two (2) photographers on the Chamber floor at any one time. They shall not block the aisles, be seated, or impede the vision of any Senator at any time or remain on the Senate floor when not taking pictures. No additional lights or flash bulbs shall ever be allowed in the Chamber when the Senate is in session, nor shall any tripods be allowed except in the press area in the rear of the Chamber.

5. No one except a member of the General Assembly shall ever sit in a Senator's seat when the Senate is in session.

6. Secretaries and aides provided for in SR 3 (housekeeping), and the Aide to the Administration Floor Leader shall be admitted on the floor of the Senate for the purpose of delivering and receiving communications from Senators. They shall not take dictation, block the aisles, be seated nor loiter in the Senate Chamber. They shall communicate only with the Senator for whom they work or with whom they have official business and shall not carry on a conversation with any other person.

7. Each Senator may select an aide (not paid by the Senate) by designating in writing his or her name to the Secretary of the Senate; this aide shall not be changed during the session except by permission of the Rules Committee. No intern may be designated as an aide by a Senator. The aide provided for in this paragraph shall be issued a beige badge, but shall not come on the floor of the Senate while the Senate is in session.

8. One Intern shall be stationed in the rear of the Senate Chamber for the convenience of the Senators. The rotation of the Interns shall be the duty of the Intern Coordinator.

(b) On the final or third reading and consideration of any bill appropriating money, the Senate may, by invitation of the Chairman of the Standing Committee on Appropriations or by the vote of a majority of those voting, provided the total vote constitutes a quorum, allow persons on the floor of the Senate for the purpose of explaining or answering any questions concerning the bill.

(c) No person shall be admitted on the floor of the Senate who is engaged in lobbying or who is attempting to influence legislation.

(d) No person or group shall be introduced or allowed to address the Senate after the thirtieth (30th) legislative day of a regular session. At any time during a regular session the presiding officer may introduce any member of the Georgia Congressional Delegation or any other person of national prominence. During the first fifteen (15) days of any regular session individuals or groups may be introduced and allowed to address the Senate only upon the written recommendation of a majority of the Decorum Committee. The Decorum Committee shall be composed of the President of the Senate, who shall be Chairman, the President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, and the Chairman of the Rules Committee. During the sixteenth (16th) through the thirtieth (30th) legislative days of any regular session, individuals or groups may be introduced and allowed to address the Senate only after a sponsoring Senator has secured a three-fourths' affirmative vote of the members of the Rules Committee assembled in a scheduled meeting.

(e) While the Senate is in session, representatives of the press, radio and television shall be allowed on the floor of the Senate only in the area in the rear of the Chamber designated for them.

## **PRESIDENT'S POWER AND DUTIES.**

**Rule 18.** When the President Pro Tempore or any other Senator is presiding, he shall not vote unless the Senate shall be equally divided, or unless his vote, if given to the minority, will make the division equal. The presiding Senator shall vote in all elections. In all cases where a fixed constitutional vote is required to pass a bill or measure under consideration, and said bill or measure shall lack only one vote to pass the same, the presiding Senator shall vote, and his vote so cast shall be counted the same as that of any other member.

**Rule 19.** All questions as to priority of business to be acted on shall be decided by the President without debate unless otherwise provided for in these Rules.

**Rule 20.** When two or more Senators shall rise at the same time, the President shall name the Senator entitled to proceed.

**Rule 21.** The President shall, in his discretion, suspend irrelevant debate and command silence whenever he may deem it necessary.

**Rule 22.** The President may at any time order the roll called on any question, and take the vote by Yeas and Nays, where a division of the Senate discloses the fact that a quorum has not voted.

**Rule 23.** The President may, during a day's sitting, name any Senator to perform the duties of the Chair during any part of that sitting, but no longer.

**Rule 24.** Whenever from any cause the President shall be absent, the President Pro Tempore shall preside. If both shall be absent, the Secretary of the Senate shall call the Senate to order and shall preside until the election of an acting President Pro Tempore, which said election shall be the first business of the Senate. The acting President Pro Tempore thus elected shall preside until the return of one of the first named officers, when his functions shall cease.

**Rule 25.** All committees shall be appointed by the President unless otherwise ordered by the Senate.

**Rule 26.** The President shall have power to cause the galleries and lobbies of the Senate cleared by the Sergeant at Arms in case of disturbance or disorderly conduct therein, and to cause any person or persons so offending to be arrested and brought before the bar of the Senate, to be dealt with for contempt of the Senate.

**Rule 27.** The President shall have power to suspend the Sergeant at Arms for misconduct or neglect of duty. He shall report any such suspension to the Senate within twenty-four hours thereafter for such action as the Senate may see fit to take.

### **GENERAL BUSINESS AND ORDER OF BUSINESS.**

**Rule 28.** The following shall be the order of business:

1. Report of the Committee on the Journal.
2. Reading of the Journal.
3. Motions to Reconsider.
4. Confirmation of the Journal.
5. Introduction of Bills and Resolutions.
6. First Reading and Reference of Senate Bills and Resolutions.
7. First Reading and Reference of House Bills and Resolutions, which shall also be in order at any later time when no other business is pending.
8. Reports of Standing Committees.
9. Second Reading of General Bills and Resolutions.
10. Call of the Roll.
11. Recitation of the Pledge of Allegiance.
12. Prayer of the Chaplain.
13. Unanimous Consents and Points of Personal Privilege.
14. Adoption of Privileged Resolutions.
15. Motions to withdraw bills or resolutions from one committee and commit to another committee.
16. Passage of Local Uncontested Bills and Resolutions.
17. Consideration of Local Contested Bills and Resolutions.
18. General Consent Calendar for Population Bills.
19. General Consent Calendar for Commemorative Resolutions.
20. Motions to Engross.
21. Third Reading and Consideration of General Bills and Resolutions.

**Rule 29.** It shall be the duty of the Subcommittee on Enrolling and Journals to read the Journal of each day's proceedings, and report to the Senate that the same



is correct before the Journal is read by the Secretary.

**Rule 30.** The Committee on Rules shall arrange and fix the calendar for each day's business for the last 25 days of each regular session of the General Assembly. Such calendar shall be a standing and continuing special order during said period. No matter shall be taken up or acted on otherwise than in the order and manner fixed by such calendar, except by a three-fourths vote of those voting, provided such three-fourths constitutes a majority of the members elected to the Senate.

**Rule 31.** No General bill or resolution shall be put on final passage unless the same has been put on a calendar and placed on each Senator's desk not later than 7:00 A.M. on the date of passage. The Secretary of the Senate shall put all bills which appear on the prepared calendar and which may be considered that day in order on the Senators' desks and in a separate file from other House and Senate bills and resolutions. Matters in possession of the Senate, but not eligible for consideration on a particular date, shall also be kept in order and also on the Senators' desks, unless the Senator requests that they be omitted. The calendar can be changed by a vote of two-thirds of the Senators voting, provided such two-thirds constitutes a majority of the members elected to the Senate. Nothing in this Rule shall apply to local bills or local resolutions.

**Rule 32.** Every motion or request to take up general bills or resolutions out of their regular order and every motion or request for special orders shall be decided by a two-thirds (2/3) vote of the members to which the Senate is entitled.

**Rule 33.** Any request for unanimous consent to suspend the Rules or motion to change the order of business shall be decided without debate.

**Rule 34.** The rules of the Senate shall in no case be suspended or changed, or the order of business changed except by two-thirds of the members voting, if such two-thirds constitutes a majority of the members elected to the Senate.

**Rule 35.** (a) The roll call at the opening of each session of the Senate shall not be dispensed with, except by a majority vote of the Senators voting or by unanimous consent.

(b) The electronic roll call system shall be used to call the roll of the Senators, who shall use the Yea switch to signify their presence.

**Rule 36.** The reading of the Journal shall not be dispensed with, except by a vote of a majority of the members voting or by unanimous consent.

**Rule 37.** The report of the Committee on Rules shall be in order at any time, and messages from the Governor or from the House may be received under any order of business. Messages may be received at any time while the door is open, except while a question is being put, or a ballot or a viva voce vote is being taken.

**Rule 38.** (a) When a message shall be sent to the Senate, it shall be announced at the door of the Senate by the Sergeant at Arms and be respectfully communicated to the Chair by the person through whom it may be sent.

(b) A message shall be presented to the Senate by the President when received, or afterwards, according to its nature and the business on which the Senate is engaged, or its consideration may, on motion, be ordered by the Senate.

**Rule 39.** Questions of privileges shall be, first, those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; second, the right, reputation, and conduct of Senators individually, in their representative capacity only. Questions of privilege shall have precedence over all other questions. Provided, that when any matter is pending before the Senate, no question of personal privilege shall be acted on until the pending question is disposed of.

**Rule 40.** Any motion not privileged, containing new matters, shall lie at least one day on the table.

**Rule 41.** The meetings of the General Assembly shall be held as prescribed in Art. III, Sec. IV, Par. I of the Constitution of Georgia. The Senate shall convene daily at 10:00 A.M. unless otherwise ordered by the Senate. The House shall convene daily at 10:00 A.M. unless otherwise ordered by the House. The General Assembly shall meet at the state capitol.

(O.C.G.A. 28-1-2)

**Rule 42.** The session of the Senate each day, except Sunday, shall commence at 10:00 A.M., unless otherwise ordered by the Senate, and shall continue until the Senate shall be adjourned upon motion.

**Rule 43.** Each House may punish by imprisonment, not extending beyond the session, any person not a member who shall be guilty of a contempt by any disorderly behavior in its presence or who shall rescue or attempt to rescue any person arrested by order of either House.

(Ga. Const., art. III, sec. IV, par. VIII.)

**Rule 44.** Any member presenting a petition, memorial, or remonstrance shall, as

concisely as practicable, intimate the name and object of the petitioner, memorialist, or remonstrant, which shall be noted on the Journal, and the paper may then be referred without reading.

**Rule 45.** (a) When the reading of any paper is called for, and the reading is objected to by any Senator, whether the paper shall be read shall be determined by a vote of the Senate, without debate.

(b) However, during the consideration of any bill appropriating money, any paper or document directly concerning the bill may be read by the Secretary, any Senator, or any person invited to give evidence under the provisions of Senate Rule 17.

### **QUORUM AND ABSENTEES.**

**Rule 46.** A majority of the members to which each house is entitled shall constitute a quorum to transact business. A smaller number may adjourn from day to day and compel the presence of its absent members.

(Ga. Const., art. III, sec. IV, par. III.)

**Rule 47.** (a) The power to compel the attendance of Senators, in order to keep or secure a quorum, shall be vested in the President, and to this end he may have the doors of the Senate closed. When the doors are so closed, no Senator shall be allowed to retire from the Senate without first obtaining leave from the Senate.

(b) The Sergeant at Arms of the Senate on order of the President may arrest any absentees and bring them before the Senate when necessary to secure a quorum as aforesaid.

**Rule 48.** Whenever the result of a vote taken shall disclose the fact that no quorum of the Senate is present, or when the President shall officially state the fact to the Senate, it shall be in order for any Senator to make a motion for a call of the Senate. When such motion is made, the President shall state the question as follows: "Shall the motion for the call of the Senate prevail?" and if five of the Senators present shall vote in the affirmative, the President shall order the Secretary to call the roll of Senators, and the absentees shall be noted. The doors shall then be closed, after which the names of the absentees shall again be called. Those who do not appear, and who are absent without leave, may, by order of the majority of the Senators present, be sent for and arrested wherever they maybe found by officers to be appointed by the Sergeant at Arms for that purpose, and their attendance secured, and the Senate shall determine upon what conditions they shall be discharged.

**Rule 49.** Upon the call of the Senators, ordinary and extraordinary, the names of the absentees shall be noted by the Secretary, and shall appear upon the Journal with a notation of those previously excused.

## **DEBATE AND DECORUM.**

**Rule 50.** (a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address himself to "Mr. President". The President shall not recognize any Senator unless he shall address himself to the Chair from his seat; provided, that the President shall not put a question or take any other action which would foreclose debate if any Senator, not at his seat, shall signify to the Chair that he wishes to be recognized, and shall immediately proceed to his seat for that purpose.

(b) Any Senator shall be confined to matter in debate and shall not speak more than twice on any subject or more than once until every member choosing to speak shall have spoken.

(c) All individual speeches on bills and resolutions shall be limited to thirty minutes unless extended by a majority of those voting, provided the total vote constitutes a quorum; and on all points of personal privilege individual speeches shall be limited to ten minutes.

(d) If any Senator, in speaking or otherwise, transgresses the Rules of the Senate, the President shall call him to order, in which case said Senator shall immediately sit down, unless permitted to explain. The Senate shall, if appealed to, decide whether to confirm the President's action. If the transgressor refuses to submit to the decision of the Senate, for the first offense he shall be reprovved; for the second he shall be fined in a sum not exceeding ten dollars; and if he continues refractory, he may be expelled from the Senate by a two-thirds vote of the Senators, which vote shall be taken by Yeas and Nays.

(e) When the Senate is in session, Senators shall conduct themselves at all times with dignity and in a manner to insure decorum in the deliberations of the body and shall be called to order by the President for activities to the contrary, including unnecessary conversation and inappropriate dress.

(f) There shall be no smoking, eating, use of cellular telephones, or reading of newspapers and other materials not pertinent to legislation in the Senate Chamber while the Senate is in session. While any Senate committee is meeting, there shall be no smoking, eating, use of cellular telephones, or reading of newspapers in the meeting room.

(g) When a Senator is in a session of the Senate or a committee meeting, the Senator shall use his or her notebook computer only for legislative business, provided that this shall not prohibit the Senator from using the computer at such times for purposes of

ordinary and necessary communications with his or her home and business office. Maintenance and repair of Senators' notebook computers shall not be conducted on the floor of the Senate while the Senate is in session.

**Rule 51.** Each House shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior or misconduct by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the members of the house to which such member belongs.

(Ga. Const., art. III, sec. IV, par. VII.)

**Rule 52.** If any Senator shall be called to order for words spoken, the words excepted to shall be taken down in writing by the Secretary and read. The words excepted to shall then be admitted, denied, or explained by the Senator who spoke them. Thereupon the questions of order shall be decided and such other proceedings taken as the Senate may deem proper in regard thereto. Provided, that if, at the time, the Senate is acting under the previous question, such question of order, and other proceedings referred to, shall not be taken up for decision until after the previous question and the main question have been disposed of, or until such future time as may then be ordered by the Senate. But no Senator shall be held to answer or be subject to the censure of the Senate for words spoken in debate if any other Senator has spoken, or other business has intervened before the exception to the words was taken.

**Rule 53.** No Senator shall address the Senate, or interrogate a Senator who is speaking, except through the President. Should the Senator speaking decline to be interrupted, the President shall cause the Senator desiring to interrogate to be silent.

**Rule 54.** No Senator shall refer in debate to any private conversation had with another Senator.

**Rule 55.** The Senators in speaking shall avoid calling other Senators by name when they may have occasion to take notice of their observations, but may designate them by their position on the floor or by the district they represent.

**Rule 56.** The members of both Houses shall be free from arrest during sessions of the General Assembly, or committee meetings thereof, and in going thereto or returning therefrom, except for treason, felony, or breach of the peace. No member shall be liable to answer in any other place for anything spoken in either house or in any committee meeting of either house.

(Ga. Const., art. III, sec. IV, par. IX.)

**Rule 57.** The members of the Senate shall refrain from private conversation and preserve silence until a speaking Senator has taken his seat.

**Rule 58.** No person shall pass between the Chair and a Senator while he is speaking. At the time of adjournment no Senator shall leave his seat until the President retires.

### **PROTEST AND APPEAL.**

**Rule 59.** All appeals from the decisions of the Chair shall be made immediately, and no appeal shall be in order after other business has intervened from the time of the alleged error of the Chair and before said appeal is sought.

**Rule 60.** On all appeals on questions of order of a personal character there shall be no debate.

**Rule 61.** Any Senator may have entered on the Journal a protest in writing against the action of the Senate. Said protest shall clearly and succinctly set forth the grounds of such protest. It shall not impugn the motive of the Senate or of any members thereof.

### **MOTIONS.**

**Rule 62.** When any subject is before the Senate for consideration, or under debate, no motion shall be received except the following, to-wit:

- 1st. A motion to adjourn.
- 2nd. A motion to lay on the table.
- 3rd. A motion for the previous question.
- 4th. A motion to adjourn to a time definite.
- 5th. A motion to indefinitely postpone.
- 6th. A motion to postpone to a day certain.
- 7th. A motion to commit.
- 8th. A motion to amend.
- 9th. A motion to print.

Said motions shall have precedence in the order named.

**Rule 63.** After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the Senate, but may be withdrawn by unanimous consent at any time before decision.

**Rule 64.** A motion made by any Senator need not be seconded.

**Rule 65.** No Senator may make more than one motion at a time. While the motion is being put to the Senate he must resume his seat, and he is not entitled to the floor again unless recognized again by the President.

**Rule 66.** No Senator shall, after debating any question, and before yielding the floor, be allowed to submit any motion, the effect of which shall be to prevent further debate.

**Rule 67.** No Senator shall be allowed to address himself to any question, and then move to table the bill, resolution, or motion, or move the previous question thereon, without relinquishing the floor.

## **ADJOURNMENT.**

**Rule 68.** A motion to adjourn may be made at anytime when the movant can legitimately obtain the floor.

**Rule 69.** A motion to adjourn may be made after the motion for the previous question has been sustained. But when the Senate has voted that the "main question shall be now put", no motion to adjourn is in order, nor shall any motion to adjourn be in order after the Secretary has called the first name of the Yeas and Nays, and a vote of one Senator has been given, or after the electronic roll call system is unlocked for voting, or after a division of the Senate has been had on a vote and the vote is in process of being counted and announced.

**Rule 70.** A motion to adjourn is in no instance debatable, nor shall said motion be made a second time until further progress has been made in the business before the Senate. A motion to adjourn in its simple form shall not be amended.

**Rule 71.** A motion to adjourn to a particular day, if made when the Senate is not actually engaged in other business, is debatable, and is amendable as to the day or time proposed.

**Rule 72.** When a motion to adjourn in its simple form prevails, it adjourns the Senate to the next sitting day or time in course.

**Rule 73.** Whenever the hour of adjournment, as fixed by a prior resolution, shall arrive while the vote of the Senate is being taken by Yeas and Nays, the session shall continue until the final vote is taken and announced. If said fixed hour of adjournment shall arrive while the Senate is acting on the main question, after a motion for the previous question has been sustained, and before the vote on the main question is being taken, either by a division or by the Yeas and Nays, as aforesaid, the Senate shall stand adjourned by virtue of said prior resolution.

**Rule 74.** Neither House shall adjourn during a regular session for more than three days or meet in any place other than the state capitol without the consent of the other. Following the fifth day of a special session, either house may adjourn not more than twice for a period not to exceed seven days for each such adjournment. In the event either house, after the thirtieth day of any session, adopts a resolution to adjourn for a specified period of time and such resolution and any amendments thereto are not adopted by both houses by the end of the legislative day on which adjournment was called for in such resolution, the Governor may adjourn both houses for a period of time not to exceed ten days.

(Ga. Const., art. III, sec. IV, par. I(b).)

**Rule 75.** (a) The Senate and House of Representatives shall organize each odd-numbered year and shall be a different General Assembly for each two-year period. The General Assembly shall meet in regular session on the second Monday in January of each year, or otherwise as provided bylaw, and may continue in session for a period of no longer than 40 days in the aggregate each year. By concurrent resolution, the General Assembly may adjourn any regular session to such later date as it may fix for reconvening. Separate periods of adjournment may be fixed by one or more such concurrent resolutions.

(b) If an impeachment trial is pending at the end of any session, the House shall adjourn and the Senate shall remain in session until such trial is completed.

(Ga. Const., art. III, sec. IV, par. I(a), (c).)

## **TABLING.**

**Rule 76.** A motion to lay on the table may be made after the motion for the previous question has been sustained; but, when the Senate has voted that the "main question shall be now put", no motion to lay on the table is in order.



**Rule 77.** Nothing may be legitimately laid on the table excepting what may be taken up again.

**Rule 78.** No motion to lay an amendment on the table shall be in order.

**Rule 79.** Neither the motion to lay on the table nor the motion to take from the table is debatable or amendable.

**Rule 80.** A motion to lay on the table or to take from the table may be renewed from time to time when new business has intervened.

**Rule 81.** (a) If the motion to lay on the table prevails, it removes from the consideration of the Senate the measure, together with all the amendments attached to it at the time it is so removed.

(b) When the proposition is taken from the table, it stands before the Senate in the exact form, with all the amendments pertaining to it, that it did at the time the motion to lay on the table prevailed.

(c) Any bill or resolution taken from the table shall take its place at the foot of the calendar of bills then in order for a third reading.

**Rule 82.** A majority of a quorum voting may take from the table at any time when the Senate is not engaged on any other measure, any bill, resolution, or paper which has been ordered to lie on the table.

### **INDEFINITE POSTPONEMENT.**

**Rule 83.** While the motion to indefinitely postpone takes precedence over a motion to postpone to a day certain, or to commit or to amend, yet this motion cannot be applied to said motions, nor can it be applied to incidental questions, such as questions of order, reading of papers, withdrawal of a motion, and suspension of a rule.

**Rule 84.** The motion to indefinitely postpone lays open the whole question for debate, but the motion cannot be amended.

**Rule 85.** No motion to indefinitely postpone shall be renewed on any bill, resolution, or other measure after the same has once been voted down.

**Rule 86.** When a bill, resolution, or other measure is under consideration on the final reading thereof, a motion to indefinitely postpone, if decided in the affirmative by a majority of those voting, provided the total vote constitutes a quorum, thereby disposes of said bill, resolution, or other measure.

### **POSTPONEMENT.**

**Rule 87.** A motion to postpone to a day certain cannot be applied to subordinate or incidental questions, but only to the whole measure. It is amendable by substituting one day for another. If a day proposed is known to be beyond the limits of the session, the motion shall be treated as one to indefinitely postpone.

**Rule 88.** (a) On a motion to postpone a question to a day certain it is not in order to debate the merits of the question. Debate may be allowed, but it shall be confined strictly to the proposition to postpone and to show why one day is preferred to another. This motion cannot be renewed or made a second time to the same measure on the same day.

(b) No motion shall be in order to postpone a bill or resolution on the daily or rules calendar until the bill or resolution has been read a third time.

(c) Any bill or resolution postponed to a day certain shall take its place at the bottom of the Calendar under which the Senate is operating on the day to which it was postponed; except that after the fifteenth day of any regular session, a bill or resolution postponed for the second time shall be placed on the General Calendar for the day to which it was postponed.

### **COMMITMENT.**

**Rule 89.** (a) Motions to commit may be made to refer a bill, resolution, or other measure to a standing or special committee, or Committee of the Whole Senate.

(b) No motion shall be in order to commit a bill or resolution on the General or rules calendar until the bill or resolution has been read a third time.

**Rule 90.** A motion to commit to a standing committee takes precedence over a motion to commit to a special committee, and shall be first voted on. If a motion is made that a bill, resolution, or other measure be committed to the Committee of the Whole Senate, this motion shall be put before either of the above named motions.

**Rule 91.** (a) On a motion simply to commit to a committee or to withdraw a bill or resolution from one committee and commit to another, the movant shall be allowed three (3) minutes to explain his motion and one Senator shall be allowed three (3) minutes to oppose the motion. However, where instructions are added, the

merits of the question may be debated.

(b) No motion to withdraw a bill or resolution from one committee and commit to another shall be in order except at the time provided for in order of business (Rule 28 No. 15).

**Rule 92.** A motion to commit may be amended by adding instructions, or by substituting another committee for the one named by the Senator making the motion.

**Rule 93.** Any proposition that has been referred to any committee, either standing or special, may, on motion, be committed to the same or any other committee by a majority of those voting, provided the total vote constitutes a quorum.

### **RECONSIDERATION.**

**Rule 94.** (a) When the Journal of the preceding day shall be read, it shall be in the power of any Senator to move for reconsideration of any matter therein contained, except such matter that has been previously reconsidered or transmitted to the House of Representatives.

(b) Before any action can be reconsidered, notice of intention to so move must be given to the Senate during the legislative day on which the action sought to be reconsidered took place. The notice cannot be withdrawn and any Senator can move for reconsideration the following legislative day.

(c) No bill or resolution shall be transmitted to the House on the day of passage thereof unless two-thirds of the Senators voting, provided the total vote constitutes a quorum, shall so order. Provided, during the last three legislative days of any regular session, any bill, resolution or other matter which requires action by the House shall be immediately transmitted to the House by the Secretary. The Secretary shall also immediately transmit Senate Bills and Resolutions requiring House action on the thirty-third (33rd) legislative day after any notice to reconsider is disposed of.

(d) A notice of motion to reconsider a bill or resolution shall take precedence over a motion to transmit and shall have the effect of defeating the motion to transmit; except on the thirty-third (33rd) day and during the last three (3) days of any regular session, a Senator must give notice immediately of his intention to move to reconsider, and the presiding officer shall set a time during the day when the motion will be entertained, so stating the time to the Senate; the time shall be at the discretion of the presiding officer, but not less than ten minutes. If the Senate is considering any other business at the time the motion to reconsider has been set to be entertained, the motion will be taken up upon conclusion of that business.

**Rule 95.** The action of the Senate upon an amendment may be reconsidered at any time before final action upon the section, bill, or resolution to which it relates.

**Rule 96.** No matter shall be reconsidered more than once. A motion to reconsider shall not itself be subject to reconsideration.

**Rule 97.** All bills and resolutions reconsidered shall take their place at the foot of the calendar of bills then in order for a third reading; however, during the last twenty-five (25) legislative days of each session, a reconsidered bill or resolution which was passed or adopted shall take its place at the foot of the Rules Calendar, and a reconsidered bill or resolution which was defeated shall be placed on the General Calendar.

### **ENACTMENT.**

**Rule 98.** The President shall not recognize any Senator at any time for the purpose of asking unanimous consent to place any general bill on its passage out of its regular order. Neither shall he recognize any request for unanimous consent for the introduction of new matter, to read any bill or resolution the second time, or to place any local bill or resolution on its passage. The President shall entertain but one unanimous consent at one time.

**Rule 99.** Any bill or resolution may be withdrawn at any stage thereof by consent of the Senate.

**Rule 100.** The engrossed copies of all bills and of all resolutions intended to have the effect of law passed by either house of the General Assembly shall be preserved by the Secretary of the Senate and the Clerk of the House of Representatives and deposited in the office of the Secretary of State. The enrolled copies of all bills and of all resolutions intended to have the effect of law, which, when signed by the Governor, become enrolled Acts, shall be deposited in the office of the Secretary of State. The Secretary of State shall provide for the publication of such Acts.

(O.C.G.A. 28-1-11)

**Rule 101.** All Acts and resolutions shall be signed by the President and Secretary and all writs, warrants, and subpoenas issued by order of the Senate shall be signed by the President and attested by the Secretary.

**Rule 102.** All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives.

(Ga. Const., art. III, sec. V, par. X.)

**Rule 103.** Each House shall keep and publish after its adjournment a journal of its proceedings. The original journals shall be the sole, official records of the proceedings of each house and shall be preserved as provided by law. The General Assembly shall provide for the publication of the laws passed at each session.

(Ga. Const., art. III, sec. V, par. I.)

**Rule 104.** No bill or resolution intended to have the effect of law which shall have been rejected by either house shall again be proposed during the same regular or special session under the same or any other title without the consent of two-thirds of the house by which the same was rejected.

(Ga. Const., art. III, sec. V, par. XII.)

### **INTRODUCTION AND READING.**

**Rule 105.** (a) No bill or resolution requiring the concurring vote of the House for passage shall be introduced unless the same shall have been filed in the office of the Secretary before 12:00 noon on the previous day.

(b) No general bill or resolution having the effect of law shall be introduced or read the first time and referred to any committee after the thirty-third (33<sup>rd</sup>) day of any regular session. The provisions of this paragraph shall in no case be suspended except by a two-thirds (2/3) vote of the members to which the Senate is entitled.

(c) When a general bill or resolution is received from the House during a period when the Senate is in recess on the thirty-third (33<sup>rd</sup>) day of a regular session, the bill or resolution may be read and referred to committee by the presiding officer during such period of recess. The Secretary of the Senate shall maintain during such period of recess

a public listing of all bills so read and referred. Any Senator who desires to move to engross any such bill or resolution must serve written notice of his or her intention to do so by delivering such written notice to the Secretary before midnight of that thirty-third (33<sup>rd</sup>) day. When notice is so given, further proceedings on a motion to engross shall be as provided in Rule 106A, except as otherwise provided in this rule.

**Rule 106.** (a) To introduce a bill or resolution a member shall file an original and one copy with the Secretary. All original bills and resolutions shall be typed or printed, but the copy may be duplicated.

(b) All bills and resolutions shall have the name of the Senator or Senators introducing the same, as well as the district or districts represented, endorsed in black ink on the back. There shall also appear on the back, the title or a brief summary thereof.

(c) The copy shall be retained by the Secretary, subject to use for information; but

the original bill or resolution shall be for the exclusive use of the Senate and the committee to which it is assigned and shall be the official bill or resolution of the Senate, and shall not be subject to any other use.

**Rule 106A.** A motion to engross a bill or resolution may be made only at the time and in the manner prescribed in this rule and not at any other time or in any other manner. When the bill or measure is read for the first time, any member may orally serve notice that he or she intends to move to engross such measure. When such notice is served, the presiding officer shall suspend assignment of such measure to committee until the motion is disposed of as provided in this rule. When such notice has been served, any member may at the proper time make a motion to engross the measure. The proper time for such motion shall be immediately before the commencement of the third reading and consideration of general bills and resolutions. When a motion to engross is made, the motion shall be debatable. No bill or resolution shall be engrossed except upon the affirmative vote of a majority of the members to which the Senate is entitled. In case of engrossment of a measure, the entry thereof shall be made by the Secretary, and the measure shall not be amended or changed in any manner thereafter. When the motion to engross has been disposed of, or if no motion is made at the proper time after service of notice, the presiding officer shall then proceed to refer the measure to the proper committee.

**Rule 107.** No bill shall pass which refers to more than one subject matter or contains matter different from what is expressed in the title thereof.

(Ga. Const., art. III, sec. V, par. III.)

**Rule 108.** No law, or section of the Code shall be amended or repealed by mere reference to its title or to the number of the section of the Code; but the amending or repealing Act shall distinctly describe the law or Code Section to be amended or repealed as well as the alteration to be made.

(Ga. Const., art. III, sec. V, par. IV.)

**Rule 109.** No local bill shall b6.64 -29 upo3TD .7 refersht5 (contaltitl to bTj -86906 -14.16

**Rule 110.** The Secretary shall, as soon as possible after any bill or resolution of general application is filed in his office, cause the same to be printed and a copy thereof distributed to each member forthwith. Whenever any such bill or resolution of general application shall be reported back by the committee to which it was referred with the recommendation that it do pass as amended, the Secretary shall cause the recommended amendments to be printed and copies thereof distributed to each member. No bill or resolution of general application shall be placed on its passage unless copies of the same and any committee amendments shall have been printed and distributed to each Senator prior to consideration for passage. The Senate may at any time by the vote of a majority of those voting, provided the total vote constitutes a quorum, suspend action upon any pending bill or resolution of general application until all amendments offered thereto on the floor of the Senate shall have been printed and distributed to the Senators.

**Rule 111.** (a) All bills and resolutions shall be called in the numerical order in which they stand on the calendar. No general Senate bill or resolution having the effect of law shall be read the third time and put upon its passage or adoption after the thirty-third (33rd) day of any regular session. No general House bill or resolution having the effect of law shall be read the third time and put upon its passage or adoption after the thirty-ninth (39th) day of any regular session except that this prohibition shall not apply to a bill or resolution which was laid on the Table on the thirty-ninth (39th) day. The provisions of this paragraph shall in no case be suspended except by a two-thirds (2/3) vote of the members to which the Senate is entitled.

(b) Before reading any bill or resolution the second or third time, the Secretary shall distinctly state its number and the name of the Senator by whom introduced. Provided, that the General Appropriations Bill shall have precedence on third reading over all other matters, even Special Orders, until final disposition of the said Bill.

(c) All general bills using classification by population as a means of determining the applicability of any bill to any political subdivision, groups of political subdivisions or standard metropolitan statistical areas shall be placed on a Consent Calendar for general population bills. This calendar must be placed on each Senator's desk by or before the time of the second reading and on the next legislative day shall be put to the Senate for a vote on the electronic roll call system as a group at the time provided in the order of business (Senate Rule No. 28, Item 18); and the question shall be whether all bills on the General Consent Calendar for Population shall pass.

(d) Before the time the General Consent Calendar is put to a vote, if three members of the Senate, one of whose district is directly affected, object (in writing on forms furnished by the Secretary) to the inclusion of any bill on the General Consent Calendar, the bill on which the objection is made shall be placed at the top of the calendar of bills then in order for a third reading.

(e) All general commemorative resolutions shall be placed on a General Consent Calendar for Commemorative Resolutions. As used in this rule, the term "commemorative resolutions" means all resolutions that name or rename roads, streets, highways, parks, bodies of water, bridges, institutions, buildings, structures, and any other geographic landmark within one senatorial district. If the proposal involves naming or renaming such geographic landmark that extends beyond one senatorial district, the resolution is not appropriate for this calendar.

(f) The General Consent Calendar for Commemorative Resolutions must be placed on each Senator's desk at the time of the third reading and shall be read a third time by title and then put to the Senate for a vote on the electronic roll-call system as a group at the time provided in the order of business (Senate Rule No. 28, Item 19); and the question shall be whether all resolutions of the General Consent Calendar for Commemorative Resolutions shall pass.

(g) Before the time the General Consent Calendar for Commemorative Resolutions is put to a vote, if a member of the Senate objects (in writing on forms furnished by the Secretary) to the inclusion of any bill on the General Consent Calendar for Commemorative Resolutions, the general resolution on which the objection is made shall then be placed at the bottom of the calendar of bills then in order for a third reading.

**Rule 112.** The title of every general bill and of every resolution intended to have the effect of general law or to amend this Constitution or to propose a new Constitution shall be read three times and on three separate days in each house before such bill or resolution shall be voted upon; and the third reading of such bill and resolution shall be in their entirety when ordered by the presiding officer or by a majority of the members voting on such question in either house.

(Ga. Const., art. III, sec. V, par. VII)

**Rule 113.** (a) The General Assembly may provide by law for the procedure for considering local legislation. The title of every local bill and every resolution intended to have the effect of local law shall be read at least once before such bill or resolution shall be voted upon; and no such bill or resolution shall be voted upon prior to the second day following the day of introduction.

(Ga. Const., art. III, sec. V, par. VIII)

(b) As used in this Rule (113(b)), the term "local bill" means any bill for which a notice of intention to introduce a local bill has been advertised as provided for in Code Section 28-1-14, (Senate Rule 109), and every resolution intended to have the effect of local law. The term "local bill" shall not include any bill listed in paragraphs (1) through (6) of subsection (c) of Code Section 28-1-15, relating to population bills.

(c) Upon its introduction, the number, authors, and title to each local bill or resolution shall be read, and the bill shall be referred to the standing Committee on State and Local Governmental Operations. Upon the favorable report of the committee



to which the local bill was referred, the bill shall be placed on a Local Consent Calendar, but not before the second day after introduction.

(d) All local bills on the Local Consent Calendar, which must be placed on each Senator's desk at least one hour before the time of convening, shall be put to the Senate for a vote on the electronic roll call system as a group at the time provided in the order of business, (Senate Rule 28, No.15), and the question shall be whether all bills on the Local Consent Calendar shall pass.

(e) Before the time the Local Consent Calendar is put to a vote, if three members of the Senate, one of whose district is directly affected, object (in writing on forms furnished by the Secretary) to the inclusion of any local bill on the Local Consent Calendar, the local bill on which the objection is made shall then be placed on the Calendar for "Local Contested Bills" which is next in the order of business (Senate Rule 28, No. 17).

(f) The number, authors, and title of each bill on the Local Contested Calendar shall be read, considered and voted on as provided in the rules for general legislation, except that the proponents and opponents shall each be limited to ten (10) minutes.

**Rule 114.** Any General bill or resolution shall be automatically passed to a second reading on the legislative day following that day the bill or resolution shall be reported by the committee to which it was referred. Except that after the thirty-fifth (35th) day of any regular session, every bill and resolution shall be read a second time on the same legislative day that the bill or resolution is reported by the committee to which it was referred. No debate shall be admitted upon any bill at the first or second reading.

## **USE OF COMMITTEES.**

**Rule 115.** Upon the introduction of any bill or resolution or other matter, requiring reference to a committee, the President shall as a matter of course and without debate refer the same to the proper committee, unless otherwise ordered by the Senate.

**Rule 115A.** A committee may act upon a bill, resolution, or other matter when the Senate is in session or on a day on which the Senate is not in session during a recess or adjournment after the opening day of a regular session and prior to the last day of that session. When a committee so acts during a day of recess or adjournment, the Secretary of the Senate may accept the report of the committee on such day, and the committee report shall be received and read by the Senate on the next day when the Senate is in session. A committee may not take official action after the adjournment sine die of a session and prior to the convening of the next session.

**Rule 116.** No Committee of the Whole or other committee shall deface or interline a bill, resolution, or other paper referred to said committee, but shall report any amendment recommended, on a separate paper, noting the section, page, or line to which said amendment relates.

**Rule 117.** All reports of a committee shall be in writing, and the minority of a committee may make a report in writing, setting forth succinctly the reasons for their dissent.

**Rule 118.** If the report of a committee is favorable to the passage of a General bill or resolution, the same shall be given a second reading without question, and any Local bill or resolution shall be placed on the Local Consent Calendar. If the report of a committee is adverse to the passage of a bill or resolution, in order to have a second reading thereof, or be placed on the Local Consent Calendar, a Senator must give notice of intention to move to disagree with such adverse committee report by not later than adjournment of the next legislative day following the unfavorable committee report. In such case the bill or resolution shall be placed on the calendar. The question shall be upon agreeing to the report of the committee. If the report of the committee is agreed to, the bill or resolution shall be lost. If the report of the committee is disagreed to, the General bill or resolution shall be passed to a second reading, and the Local bill or resolution shall be placed on the Local Consent Calendar.

**Rule 119.** When a bill or resolution, favorably reported by a committee is on its third, or last reading, if the report of the committee is disagreed to by the Senate, the bill or resolution shall be lost, unless the action of the Senate in disagreeing to the committee report is reconsidered, within the proper time.

**Rule 120.** When a bill or a resolution has been referred to and reported by more than one committee or has been reported by and then committed to the same committee, the last committee report shall be acted on by the Senate; and in all cases the report of the Committee of the Whole Senate shall be first acted on by the Senate.

## **COMMITTEE OF THE WHOLE.**

**Rule 121.** The Senate may resolve itself into a Committee of the Whole by a majority of those voting, provided that the total vote constitutes a quorum, on motion of a member made for that purpose; provided further, that notice of intention to make such motion shall be given during the session of the preceding day. Individual speeches on such motion shall be limited to three minutes. If such notice

shall not have been given, the motion shall prevail if it shall receive the affirmative votes of two-thirds of those voting; provided, that the two-thirds shall constitute a majority of all the members elected to the Senate. Provided further, that whenever the Senate, by its own vote, shall commit any bill or resolution to the Committee of the Whole, and, subsequently, a motion shall be made to resolve the Senate into a Committee of the Whole to consider such bill or resolution, and such motion shall be lost, the said motion shall not be again renewed; but it shall be the duty of the President to require the Secretary to read the bill or resolution again at the following day's session under the order of introduction of new matter or reading of bills the first time, and to refer such bill or resolution to the appropriate committee, unless otherwise ordered by the Senate.

**Rule 122.** In forming a Committee of the Whole the President shall leave the Chair, and a Chairman to preside in Committee shall be appointed by the President.

**Rule 123.** The Committee of the Whole shall not proceed with the business before it whenever a vote on any question shall disclose the fact that no quorum of the Senate is present. Whenever it is suggested that a quorum is not present, the Chairman of the Committee shall satisfy himself of the fact by actual count of the Committee, and shall report the same to the Committee; and the Chairman shall, on his own motion, order that the Committee immediately rise, and he shall report the fact of the absence of a quorum to the Senate.

**Rule 124.** In the Committee of the Whole, bills shall be first read throughout by the Secretary, and then again be read or debated by clauses, or sections, leaving the preamble to be last considered, unless otherwise ordered.

**Rule 125.** The Rules of the Senate shall be observed by the Committee of the Whole, so far as they may be applicable, except that the Committee of the Whole cannot refer a matter to any other committee; it cannot adjourn; the previous question cannot be enforced; a motion to lay on the table or indefinitely postpone shall not be in order; a member may speak as often as he may obtain the floor; no call of the Senate shall be in order; and no votes shall be taken by yeas and nays.

**Rule 126.** A motion to reconsider shall be in order in the Committee of the Whole.

**Rule 127.** In the Committee of the Whole all members shall vote on all questions before the Committee, unless excused therefrom.

**Rule 128.** While in the Committee of the Whole any papers in the possession of the Senate may be called for by any member, and read by the Secretary for the

information of the Committee, unless the Committee shall otherwise order.

**Rule 129.** The Chairman of the Committee of the Whole shall have power to have the galleries or lobbies cleared in case of any disorderly conduct therein.

**Rule 130.** A Committee of the Whole cannot punish disorderly conduct of its members, but must report the same to the Senate for action thereon.

**Rule 131.** If, at any time in the Committee of the Whole, it shall be desired to close the debate, or to limit the time to be allowed members for speaking, the Committee may rise and report its desire to the Senate, and the Senate shall take such action thereon as it may see fit, by a resolution. Said resolution shall apply only to the subject matter before said Committee. When said resolution has been agreed to or refused by the Senate, the action of the Senate shall be deemed the sense of the Committee, and the Senate may then, on motion, again resolve itself into a Committee of the Whole and continue the consideration of the subject.

**Rule 132.** In the event that a Committee of the Whole at any sitting, for want of time, shall fail to complete any matter under consideration, it may, on motion, at any time, rise, report progress, and have leave to sit again, generally, or at a day certain.

**Rule 133.** A motion "that the Committee rise, report progress, and ask leave to sit again" may be made at anytime, when the movant thereof can legitimately obtain the floor, and shall take precedence over all other motions, and shall be decided without debate. When the motion prevails, the Committee shall immediately rise. When the regular hour for adjournment of the Senate arrives, the Committee shall automatically rise, and the President shall assume the Chair.

**Rule 134.** (a) When the Committee of the Whole has disposed of bills, resolutions, or other measures before it, by motion and question, it shall arise, and the Chairman shall be instructed to report the action of the Committee to the Senate. At this point the President shall resume his seat, and the Chairman shall return to the floor and shall state in substance as follows: "Mr. President, the Committee of the Whole Senate has had under consideration (naming what) and has instructed me, as its Chairman, to report the same back to the Senate, with the recommendation that the same 'do pass' or 'do pass as amended', or 'do not pass'," as the case may be.

(b) The President shall receive this report and repeat the same, and the matter shall then be before the Senate for action, just as though reported by any other committee.

**Rule 135.** Amendments offered to an amendment in the Committee of the Whole shall not be reported to the Senate, but the report shall contain only the result of the Committee's action on the bill, resolution, or measure under its consideration.

**Rule 136.** Amendments proposed by the Committee of the Whole may be amended or rejected by the Senate, and matters stricken out by the Committee may be restored by the Senate.

**Rule 137.** The proceedings of the Committee of the Whole shall not be recorded in the Journal of the Senate, except so far as reported to the Senate by the Chairman of said Committee.

### **AMENDMENT.**

**Rule 138.** (a) There are three ways in which a proposition may be amended, to-wit:

- 1st. By inserting or adding.
- 2nd. By striking out.
- 3rd. By striking out and inserting.

(b) An amendment is itself subject to be amended, in all three of the ways above mentioned, but it is not permissible to amend an amendment to an amendment.

**Rule 139.** A substitute shall be treated as an amendment in these Rules unless it is clearly indicated otherwise. Provided, however, for the purpose of amending a Senate substitute, a substitute shall not be treated as an amendment.

**Rule 140.** All motions to amend any matter before the Senate must be in writing. They must plainly and distinctly set forth the amendment desired and the part of the bill or resolution where said amendment shall be inserted or added.

**Rule 141.** Any irrelevant amendment or amendment obviously offered for the purpose of delay shall be ruled out of order by the President.

**Rule 142.** Where blanks occur in any proposition, they must be filled first before any motion is made to amend.

**Rule 143.** (a) When a bill or resolution is before the Senate for consideration,

and amendments are pending thereto, and a substitute shall be offered for said bill or resolution, and an amendment shall be offered to said substitute, it shall be in order for the Senate to perfect first the original bill or resolution, and then perfect the substitute. The question before the Senate shall be on agreeing to the substitute as amended, if it be amended; and, if decided in the affirmative, the question shall be: "Shall this bill pass", or "resolution be adopted", as the case may be, "by substitute".

(b) However, when the Senate adopts a substitute to any bill or resolution other than one offered by the committee from which the bill was last reported, passage of the bill shall be suspended at that time. The bill shall then be placed at the top of the General Calendar of the next meeting day of the Senate, at which time the previously adopted substitute shall stand automatically reconsidered and the substitute and the bill shall be before the Senate for consideration and passage. On and after the fifteenth(15th) legislative day of any regular session, the adopted substitute and bill shall be placed on the General Calendar, subject to being placed on the Rules Calendar by the Rules Committee. Any amendment offered by a Senator which contains more than three pages or is more than one-half the verbiage of the document which it amends (whichever is less) shall be treated as a substitute for the purposes of this paragraph.

**Rule 144.** When a motion is made to amend by striking out a paragraph, any amendment offered to perfect the paragraph shall be put first before the question is put for striking it out. If a motion be made to strike out a part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

**Rule 145.** No motion on a subject different from that under consideration shall be admitted under color of amendment.

**Rule 146.** On all questions, whether in committee or in the Senate, the first amendment, the most distant day, and the largest sum shall be first put.

**Rule 147.** The title of a bill or resolution shall not be considered or amended until the measure has been perfected.

**Rule 148.** (a) After referral of a bill, and report thereof to the Senate, it may be amended before the report of the committee is agreed to by the Senate; but the amendments, if any, reported by the committee, shall be disposed of before any other amendment be considered, unless it be an amendment to a committee amendment.

(b) A substitute offered by a committee must be disposed of before any other substitute can be considered. No substitute can be offered to another substitute.

**Rule 149.** An amendment cannot be offered after the report of the committee to which the bill or resolution under consideration was referred has been agreed to by the Senate, unless said action of the Senate, in so agreeing to said report of said committee, shall first be reconsidered.

**Rule 150.** When a motion is made to amend by striking out and inserting, the Secretary shall read the paragraph as it is, then the words to be stricken out, and finally the whole paragraph as it would be if amended.

**Rule 151.** When a proposition consisting of several sections or resolutions is on a final reading, and the Senate shall agree to a motion to consider the same by sections or paragraphs, the Secretary in reading the same shall pause at the end of each section or resolution; and the amendments thereto shall be offered as the several sections or resolutions are read. But the amendments offered by the committee to which said bill or resolution was referred shall be read by the Secretary without any motion being made. When a section or resolution shall have been considered, it is not in order to recur and amend it, unless first reconsidered.

**Rule 152.** The questions which arise before the Senate respecting amendments by the House to a Senate bill or resolution are, in order of precedence:

- 1st. A motion to agree to the House amendment as amended by the Senate.
- 2nd. A motion to agree to the House amendment.
- 3rd. A motion to disagree with the House amendment.
- 4th. A motion to recede from the Senate's disagreement or amendment.
- 5th. A motion to insist on the Senate's disagreement or amendment.
- 6th. A motion to adhere to the Senate's disagreement or amendment.

**Rule 153.** The President is authorized on his own motion, or upon point of order being made, when in his opinion a House amendment to a Senate bill is not germane, to rule out such amendment. The effect of such ruling of the President, if not appealed from or if appealed from and the appeal not sustained, shall be the same as a vote of the Senate to disagree, and as such the Secretary shall so report it to the House. Such point of order shall take precedence over a motion to agree.

**Rule 154.** When any bill or resolution which originated in the Senate has been amended in the House, and is before the Senate for action on the House amendment, one or more amendments may be offered in the Senate to the House amendment. A proposed Senate to the House amendment may itself be subject to amendment, and in this respect Rule 138 shall not apply.

**Rule 155.** A House amendment to a Senate bill or resolution must be adopted by the vote required to pass the bill or resolution.

**Rule 156.** (a) Whenever any member moves that a Committee of Conference be appointed, on disagreeing votes or other matters of the two Houses, and said motion prevails, the President shall appoint three (3) members for the Committee, who voted in the majority on the position assumed by the Senate, if such vote has been had.

(b) The Committee of Conference may consider the whole subject matter embraced in a bill, resolution, or other matter before it, and may recommend recision by either House, new amendments, new bills and resolutions, or other germane changes, unless instructed otherwise by the Senate on motion, before the members of the Conference Committee are appointed.

(c) A report of a Committee of Conference must be approved by a majority vote of the entire membership of the Committee, before the report may be transmitted to either the Senate or the House.

(d) After a Committee of Conference has been in existence for five (5) days and has failed to make a report to the Senate on the question under consideration, the Senate, on motion and by a majority vote of all members elected to the Senate, may discharge the Senate conferees and appoint new conferees, instruct said Senate conferees, or make any other motion not contrary to the Rules of the Senate. Provided, that during the last five (5) days of the session, the above motions may be made and passed at anytime, but not more often than every three (3) hours.

(e) All Conference Committee reports shall be printed and distributed to the Senators one hour prior to consideration of the same, except that after the thirty-ninth (39th) day of any regular session the same maybe dispensed with by a two-thirds (2/3) vote of all the members elected to the Senate.

(f) The President is authorized on his own motion, or upon point of order being made, when in his opinion a conference committee report is not germane to the original bill or resolution, to rule out such conference committee report. The effect of such ruling of the President, if not appealed from or if appealed from and the appeal not sustained, shall be the same as a vote of the Senate to reject, and as such the Secretary shall so report it to the House. Such point of order shall take precedence over a motion to adopt.

(g) Any Conference Committee report must be adopted by the vote required to pass the bill, resolution, or matter under consideration.

## **PREVIOUS QUESTION.**



**Rule 157.** The previous question may be called and ordered upon a single motion, or an amendment, or it may be made to embrace all authorized motions or amendments, and include the entire bill.

**Rule 158.** Any Senator may call for a division of the question on a subject in which the sense thereof will admit of it.

**Rule 159.** The Senator calling for a division must state what definite parts, and how many, he would have the question divided into. Each part of the divided proposition must be so distinct that if taken away the remainder can stand by itself as a consistent and entire unit.

**Rule 160.** (a) The motion for the previous question shall be decided without debate, and shall take precedence over all other motions except motions to adjourn or to lay on the table. When it is moved, the first question shall be, "Shall the motion for the previous question be sustained?". If this be decided by a majority of those voting, provided the total vote constitutes a quorum, the motions to adjourn or to lay on the table, may still be made, but they must be made before the next question, to-wit: "Shall the main question be now put?" is decided in the affirmative. After said last question is affirmatively decided by a majority of those voting, provided that the total vote constitutes a quorum, said motions will be out of order, and the Senate cannot adjourn until the previous question is exhausted, the regular hour of adjournment arrives, or the Senate reconsiders its action.

(b) But no motion to reconsider the action of the Senate in ordering the main question shall be in order after the Secretary has called the first name on call of the Yeas and Nays, and the vote of any member has been given, or after the electronic roll call system is unlocked for voting, or after a division of the Senate has been had on the vote, and the vote is in process of being counted and announced; in such cases the roll call shall be completed, the vote counted, and the result finally announced.

**Rule 161.** (a) When the previous question has been ordered, the Senate shall then proceed to act on the main question without debate, except that before the main question is put, twenty minutes shall be allowed to close the debate to the committee, whose report of the bill or other measure is under consideration. If the report of the committee is adverse to the passage of the bill, or other measure, the introducer of the bill shall be allowed twenty minutes before the time allowed to the committee. The Chairman of the committee, or the introducer of the bill or other measure, may yield the floor to such Senators as he may indicate for the time, or any part of it, allowed under this Rule.

(b) In all cases where a minority report has been submitted on any matter, if the previous question is ordered, there shall be twenty minutes allowed to the member whose name is first signed to said minority report, or to such member or members as he may indicate, for the time so allowed, or any part of it, before the twenty minutes allowed to the Chairman submitting the majority report.

**Rule 162.** A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the President that a quorum is not present.

**Rule 163.** All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

**Rule 164.** The effect of the order that the "main question be now put", is to bring the Senate to a vote on pending questions in the order in which they stood before it was moved.

**Rule 165.** After the main question has been ordered, a motion to reconsider this action will, if adopted, have the effect to repeal the ordering of both the main question and the previous question, and will leave the pending measure again open to debate and amendment. The motion to reconsider the ordering of the main question can be made only once, and if lost, or if the main question is again subsequently ordered on the pending measure, no second motion to reconsider the ordering of the main question shall be entertained.

## **VOTING.**

**Rule 166.** No bill shall become law unless it shall receive a majority of the votes of all the members to which each house is entitled, and such vote shall so appear on the journal of each house.

(Ga. Const., art. III, sec. V, par. V.)

**Rule 167.** (a) In the event no specific vote is provided in these Rules for the passage of any Senate amendment, motion or procedural matters and on all other matters not otherwise provided for in these Rules, the vote for passage or adoption thereof shall be a majority of those voting provided the total vote constitutes a quorum.

(b) As to all resolutions not otherwise provided for in these Rules the vote for adoption shall be by a majority of the votes of all the members to which the Senate is entitled.

**Rule 168.** No Senator shall be permitted to cast his vote on any motion, resolution, amendment, bill, or other question, until the question is put to the Senate by the President by viva voce vote, or division of the Senate, or until after the roll call has begun. No Senator or person shall vote for or attempt to vote for another Senator on any question. Violation of this Rule shall be deemed to be disorderly behavior and subject to punishment as provided by the Constitution and Rules of the Senate. This Rule cannot

be suspended by unanimous consent.

**Rule 169.** The President's method of stating the question on any motion shall be as follows: "All those who favor the motion shall rise, stand and be counted"; after a count is had by the Secretary, he shall call upon the Senators to "Reverse your position", and the President shall announce the result.

**Rule 170.** When less than a quorum vote on any subject under consideration by the Senate, the President may order the doors of the Senate to be closed and the roll of Senators called by the Secretary, or recorded on the electronic roll call system. If it is ascertained that a quorum is present, either by answering to their names or by their presence in the Senate, the refusal of any Senator present to vote, unless excused, shall be deemed a contempt of the Senate.

**Rule 171.** On the final passage of all bills and resolutions having the effect of law, the adoption of all conference committee reports, or any action that would have the effect of finalizing the Senate's action on any general bill or resolution, there shall be a recorded vote. Any Senator or the presiding officer may call for a division on any matter before the Senate, and the presiding officer may order a roll call or any Senator may call for the Yeas and Nays; if the call for the Yeas and Nays is sustained by five(5) of the members voting, the vote shall be taken by the Yeas and Nays and so entered on the Journal. A motion for the call of the Yeas and Nays shall be decided without debate.

**Rule 172.** (a) In all instances where the Rules, statutes or Constitution provide for the Yeas and Nays or a roll call, the electronic roll call system shall be used except upon elections. The system shall be set so that it automatically locks and records the vote sixty (60) seconds after it is activated. When the presiding officer ascertains that the electronic roll call system is inoperative, he shall order the Secretary to call the roll viva voce and the votes recorded.

(b) The official roll call shall be printed by the electronic roll call system, and shall never in any way be altered or the votes recorded thereon changed.

(c) When the electronic roll call system is used, the voting procedure shall be: after the main question is put, the presiding officer shall state, "The question is on (designating the matter to be voted upon), all in favor vote Yea, and all opposed, Nay; the Secretary will unlock the machine"; after the machine is electronically locked and records the vote, he shall announce the vote and declare the results.

**Rule 173.** (a) On the call of the Yeas and Nays, the Secretary shall read the names of the Senators after they have been called, and no Senator shall be permitted to change his vote, unless he at that time declares that he voted under a mistake of the question. When the electronic roll call system is used, this Rule shall be inoperative.

(b) When the electronic roll call system is used, no verification of the roll call is required, but when the roll call is taken viva voce, it shall be verified unless suspended by unanimous consent.

**Rule 174.** (a) A motion to excuse a Senator from voting must be made before the Senate divides, or before the roll call is commenced, and it shall be decided without debate, except that the Senator making the motion may briefly state the reason why, in his opinion, it should prevail.

(b) All Senate Conference Committee members shall be excused from voting during meetings of the Conference Committee. The excuse shall be entered in the Journal if the chairman notifies the Secretary of the actual time of the meeting before leaving and after returning to the Chamber.

**Rule 175.** (a) No Senator shall vote upon any question if the Senator or any member of the Senator's immediate family has a direct pecuniary interest in the result of such vote which interest is distinct, unique or peculiar to the Senator or the Senator's immediate family.

(b) In every case where the seat of a Senator is being contested, the sitting Senator and the contestant shall both retire from the Senate before the vote is taken.

**Rule 176.** No pairing of members shall be recognized or allowed as an excuse for not voting.

**Rule 177.** No member shall be permitted to explain his vote during a roll call; however, on all questions, except such as are not debatable, any Senator shall be permitted to explain his vote by reducing his explanation to writing in no more than two hundred-fifty (250) words. The writing shall not impugn the motives of any other Senator, and if filed with the Secretary before the confirmation of the Journal on the day next succeeding such vote, shall be entered on the Journal of that day.

**Rule 178.** During a roll call on any question no debate shall be had.

**Rule 179.** The yeas and nays in each house shall be recorded and entered on the journal upon the passage or rejection of any bill or resolution appropriating money and whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of a bill or resolution.

(Ga. Const., art. III, sec. V, par. VI.)

**Rule 180.** In either house, when ordered by the presiding officer or at the

desire of one-fifth of the members present or a lesser number if so provided by the rules of either house, a roll-call vote on any question shall be taken and shall be entered on the journal.

(Ga. Const., art. III, sec. V, par. VI.)

**Rule 181.** Whenever on any question the Yeas and Nays shall have been ordered, the Secretary shall also enter on the Journal the names of those members not voting.

### **GOVERNOR'S ACTION.**

**Rule 182.** (a) All bills and all resolutions which have been passed by the General Assembly intended to have the effect of law shall become law if the Governor approves or fails to veto the same within six days from the date any such bill or resolution is transmitted to the Governor unless the General Assembly adjourns sine die or adjourns for more than 40 days prior to the expiration of said six days. In the case of such adjournment sine die or of such adjournment for more than 40 days, the same shall become law if approved or not vetoed by the Governor within 40 days from the date of any such adjournment.

(b) During sessions of the General Assembly or during any period of adjournment of a session of the General Assembly, no bill or resolution shall be transmitted to the Governor after passage except upon request of the Governor or upon order of two-thirds of the membership of each house. A local bill which is required by the Constitution to have a referendum election conducted before it shall become effective shall be transmitted immediately to the Governor when ordered by the presiding officer of the house wherein the bill shall have originated or upon order of two-thirds of the membership of such house.

(c) The Governor shall have the duty to transmit any vetoed bill or resolution, together with the reasons for such veto, to the presiding officer of the house wherein it originated within three days from the date of veto if the General Assembly is in session on the date of transmission. If the General Assembly adjourns sine die or adjourns for more than 40 days, the Governor shall transmit any vetoed bill or resolution, together with the reasons for such veto, to the presiding officer of the house wherein it originated within 60 days of the date of such adjournment.

(d) During sessions of the General Assembly, any vetoed bill or resolution may upon receipt be immediately considered by the house wherein it originated for the purpose of overriding the veto. If two-thirds of the members to which such house is entitled vote to override the veto of the Governor, the same shall be immediately transmitted to the other house where it shall be immediately considered. Upon the vote to override the veto by two-thirds of the members to which such other house is entitled, such bill or resolution shall become law. All bills and resolutions vetoed

during the last three days of the session and not considered for the purpose of overriding the veto and all bills and resolutions vetoed after the General Assembly has adjourned sine die may be considered at the next session of the General Assembly for the purpose of overriding the veto in the manner herein provided. If either house shall fail to override the Governor's veto, neither house shall again consider such bill or resolution for the purpose of overriding such veto.

(e) The Governor may approve any appropriation and veto any other appropriation in the same bill, and any appropriation vetoed shall not become law unless such veto is overridden in the manner herein provided.

(Ga. Const., art. III, sec. V, par. XIII.)

**Rule 183.** Except as otherwise provided in this Constitution, before any bill or resolution shall become law, the Governor shall have the right to review such bill or resolution intended to have the effect of law which has been passed by the General Assembly. The Governor may veto, approve, or take no action on any such bill or resolution. In the event the Governor vetoes any such bill or resolution, the General Assembly may, by a two-thirds' vote, override such veto as provided in Article III of this Constitution.

(Ga. Const., art. V, sec. II, par. IV.)

**Rule 184.** No provision in this Constitution for a two-thirds' vote of both Houses of the General Assembly shall be construed to waive the necessity for the signature of the Governor as in any other case, except in the case of the two-thirds' vote required to override the veto or to submit proposed constitutional amendments or a proposal for a new Constitution.

(Ga. Const., art. III, sec. V, par. XI.)

## **COMMITTEE ORGANIZATION AND FUNCTION.**

**Rule 185.** (a) The President shall appoint the following standing committees, which shall not exceed the following number of Senators each:

AGRICULTURE - 8

APPROPRIATIONS - 35

BANKING AND FINANCIAL INSTITUTIONS - 11

CORRECTIONS, CORRECTIONAL INSTITUTIONS AND PROPERTY - 7

DEFENSE, SCIENCE, AND TECHNOLOGY - 9

ECONOMIC DEVELOPMENT, TOURISM AND CULTURAL AFFAIRS - 6

EDUCATION - 10  
 ETHICS - 9  
 FINANCE AND PUBLIC UTILITIES - 12  
 HEALTH AND HUMAN SERVICES - 13  
 HIGHER EDUCATION - 10  
 INSURANCE AND LABOR - 12  
 INTERSTATE COOPERATION - 5  
 JUDICIARY - 12  
 NATURAL RESOURCES - 12  
 PUBLIC SAFETY - 10  
 REAPPORTIONMENT- 24  
 RETIREMENT - 6  
 RULES - 15  
 SPECIAL JUDICIARY - 11  
 STATE AND LOCAL GOVERNMENTAL OPERATIONS - 6  
 TRANSPORTATION - 13  
 VETERANS AND CONSUMER AFFAIRS - 6

(b) The above limitations shall not apply when the President appoints a Senator to committees if that Senator was duly elected in a special election.

(c) Each Senator shall be appointed to serve on four committees provided for in this Rule and no more; except that: (1) the President Pro Tempore and the Chairman of the Committee on Appropriations shall serve ex officio as voting members of the Committee on Economic Development, Tourism, and Cultural Affairs and such membership shall not count as one of the four committees; and (2) membership on the Committee on Reapportionment, membership on the Committee on Ethics, and membership on the Committee on Interstate Cooperation (which is created by law) shall not count as one of the four committees.

(d) In addition to the members otherwise provided for on any committee, the President may add one or more ex officio members to any committee. The limitations of this rule with respect to numbers of members of committees and with respect to numbers of committees on which a member may serve shall not apply with respect to such ex officio memberships.

(e) The President shall appoint a chairman, a vice chairman and a secretary for all standing committees and a chairman of standing subcommittees.

(f) The President may create, in his discretion, within any standing committee, a subcommittee or subcommittees and appoint the membership and officers thereof. Nothing herein contained shall be construed to limit the authority of the standing committees or the officers thereof.

(g) Once a Senator is appointed to a standing committee, he shall never be removed therefrom during his term of office, unless that Senator so requests.

(h) In addition to the standing committees created by this Rule, there shall be a Committee on Senate Administrative Affairs composed of the President of the

Senate, the President Pro Tempore, the Secretary of the Senate, the Chairman of the Committee on Rules, and four (4) members of the Senate appointed by the President. This Committee shall have the responsibility of employing, supervising and setting the compensation of all aides, secretaries and other personnel for the Senate, including the Senate Research and Senate Information offices. The Committee shall supervise the purchase and allotment of supplies for the Senate.

**Rule 185A.** Senate Committee on Ethics. (a) OPINIONS AND ADVICE. A Senator or staff member may request in writing the opinion or advice of the Committee on Ethics with regard to interpretation of this Rule. The Committee on Ethics shall expeditiously respond in writing to such request.

(b) INVESTIGATION. (1) Initiation: A complaint shall be initiated by the filing of a statement alleging a violation of this Rule with the Secretary of the Senate. A complaint may be brought only by any Senator or staff. The complaint shall specifically describe the nature of the alleged violation and the party or parties involved and shall be signed by the complainant and verified under oath. The Secretary of the Senate shall promptly refer the complaint to the Chairman of the Committee on Ethics, who shall schedule a meeting of the Committee to investigate the complaint utilizing in-house staff and such outside counsel and investigators as the Committee deems necessary. The Committee shall promptly serve the named respondent with a copy of the complaint. Service of such complaint shall be by personal service or by certified mail, return receipt requested. The Committee may also initiate an investigation on its own initiative by majority vote. Within a reasonable time following the Committee's initiation of such investigation, however, a majority of the Committee shall sign a complaint that specifically describes the nature of the alleged violation and the party or parties involved. The Committee shall promptly serve the named respondent with a copy of the complaint and service of such complaint shall be by personal service or by certified mail, return receipt requested. Any complaint brought by or before the Committee shall remain confidential until the Committee has determined that substantial cause exists that a violation occurred.

(2) Report and Procedures: Upon completion of an investigation, a written report detailing the findings will be prepared and presented to the Committee. If the Committee does not find that evidence exists to provide substantial cause to determine that a violation has occurred, it shall dismiss the complaint with notice to the complaining party and the respondent. If the Committee finds substantial cause to determine that a violation has occurred, the Committee may negotiate a settlement with the respondent or set the matter for a hearing. Any settlement shall be a matter of public record and shall be filed with the Secretary of the Senate. If no settlement is reached, the Committee will hold open hearings, taking any relevant evidence that addresses the charges. The Committee may require the attendance and testimony of witnesses and the production of materials which the Committee deems advisable and may administer oaths and affirmations. The respondent shall receive reasonable notice of any hearing and shall be entitled to receive within a reasonable time before the hearing copies of all material before the Committee that is not otherwise exempt from disclosure under the Georgia Open Records Law; to secure counsel of his or her choosing; and to examine any witnesses who may be called by the Committee to appear at any hearing. The



respondent shall also have the right to call witnesses and present evidence at any hearing. The Committee shall assure that all hearings are recorded. The Committee shall have the burden of proof and both the Committee and the respondent shall be entitled to rebuttal. Upon completion of such hearing, the Committee shall issue a report of its findings and recommendations of action. The report and recommended action shall be a matter of public record and shall be filed with the Secretary of the Senate.

(3) Standard of Proof: The Committee must find "clear and convincing evidence" in order to conclude that a violation of these Rules has occurred.

(c) SANCTIONS AND PENALTIES. The Committee having found a Senator in violation of these Rules may recommend a sanction or penalty, including a letter of reprimand, to the Senate. Nothing contained herein shall limit the Senate from independently initiating action against a Senator pursuant to Rule 51. In the case of Senate staff, the Committee may issue a letter of reprimand, a copy of which, along with recommendations, which may include dismissal, shall be promptly sent to the Committee on Administrative Affairs for review and action. Nothing herein shall be construed to limit the authority of the Committee on Administrative Affairs to independently deal with matters pertaining to Senate staff, part or full time. If the Committee's investigation finds evidence of criminal violation, it will refer the matter to the appropriate law enforcement agency for further action. Sanctions and penalties shall be subject to Rule 51.

(d) STANDARDS OF CONDUCT. (1) Senators and Senate staff shall refrain from using government positions to attain personal financial gain.

(2) Senators and staff shall not use public resources or personnel services for the purpose of conducting personal or private business activity. It is understood that public duty and service may require the Senators and staff to be away from their homes, businesses, associates, and business interests. Nothing herein is intended to limit ordinary and necessary communications which Senators and staff must conduct while serving in their public capacities.

(3) Senators shall not seek, accept, use, allocate, grant, or award public funds for any purpose other than as approved by law.

(4) No Senator or staff shall solicit a campaign contribution in a state office building. Senators shall not operate political campaigns or operate political fund raising campaigns from state office buildings which have not been leased or rented for such purposes.

(5) Senators shall not agree to or threaten to withhold political action or constituent services as a result of a person's decision to provide or not to provide a political contribution, charitable contribution, or support.

(6) Senators and staff shall avoid financial conflicts of interest and close economic associations where official action or decisions are motivated not by public duty but by economic self-interest or association. Financial conflicts of interest and close economic associations which impede official public responsibility are those financial

interests or interests arising from close economic associations with other persons or entities which are so material, direct, distinct, unique, and peculiar to the Senator or staff that it might reasonably be expected that impartial official judgment could not be exercised.

(7) No Senator or staff, acting as an attorney or representative of another, shall seek or accept any special treatment not otherwise approved by law or judicial order because of his or her legislative role.

(8) No Senator or staff shall accept anything of value when such thing of value is offered with the understanding that official action will be taken or withheld by a Senator or staff in consideration of acceptance of that which is offered. Any offer made which is conditioned upon the taking or withholding of official action shall immediately be reported in writing to the Chairman of the Committee.

(8.1) (A) As used in this paragraph, the term "lobbyist" means any person registered or required to be registered as a lobbyist by Code Section 21-5-71.

(B) No Senator shall accept any lodging paid for in whole or in part by a lobbyist or by any person, partnership, corporation, association, or other entity which is represented by a lobbyist.

(C) This prohibition shall not apply to: (i) any lodging paid for in whole or in part by the employer or client of a Senator in the ordinary course of the business in which such Senator is employed; (ii) any lodging paid for by any member of the family of such Senator which is not related to the governmental duties of such Senator; or (iii) any lodging paid for by a friend of long standing of the Senator which is clearly not related to the Senator's official duties.

(8.2) No Senator or staff shall knowingly commit any crime involving moral turpitude or knowingly possess, use, manufacture, or distribute any controlled substance, dangerous drug, marijuana, or alcoholic beverage in violation of any state or federal law or any county or municipal ordinance. Conviction of any such crime, the acceptance of a plea of guilty or nolo contendere to any such crime, or imposition payment of a criminal or administrative penalty for any such crime shall constitute a violation of this rule.

(9) No Senator or staff shall seek, accept, or retain employment which makes it: unreasonably difficult to fulfill legislative obligations; requires the disclosure or use of nonpublic or confidential information acquired in the course of legislative service; requires improper use of government relationships or the prestige associated with legislative offices; or will require the Senator or staff to compromise any other ethical or legal duty.

(10) Sexual harassment is prohibited and shall subject the offender to possible sanctions, penalties, or legal action. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature shall constitute sexual harassment when: (A) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; or (B) submission to or rejection of

such conduct by an individual is used as a basis for employment decisions affecting an individual; or (C) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

(11) Senators and staff shall not knowingly engage in conduct that violates rights of others nor shall they unlawfully discriminate against or abuse any person in the course of legislative activities. All contact with constituents, staff, lobbyists, representatives of the media, and others interested or involved in the process of government shall be conducted in a courteous, professional manner.

(12) No Senator or staff shall knowingly use improper artifices or schemes to circumvent the clear purpose of laws or these Rules.

(13) Senators and staff shall not subject a person who reports to the Committee, or any other government entity, conduct the person believes is a violation of this Rule or any other state law to reprisal, retaliation, harassment, discrimination, or ridicule nor shall the confidentiality provisions contained herein be abridged.

(14) The Committee shall distribute a copy of these Rules to all Senators and staff. The Committee shall, when deemed appropriate, conduct seminars or other educational programs designed to inform Senators, staff, or other interested parties of the provisions of these Rules, as well as statutes relating to Ethical Standards and Conduct.

**Rule 186.** After the announcement of the standing committees, no other Senators shall be placed thereon; except when Senators have been elected to fill vacancies caused by death or resignation from the Senate or by being reassigned at his request. The President may assign any Senator to such committees as have vacancies and may fill any vacancy in the offices of chairman, vice chairman or secretary.

**Rule 187.** (a) Standing Committees, in order to secure adequate quorums, shall meet at a time and place scheduled and designated by the Senate Administrative Affairs Committee; a list of the committee meetings, stating their time and location, shall be posted by 10:00 a.m. on the Friday preceding the week of the scheduled meetings. A chairman may request in writing directed to the Secretary of the Senate (on forms provided) additional meetings if the request is made no later than twenty-four (24) hours prior to the scheduled meeting. A chairman may cancel a meeting by notifying the Secretary of the Senate in writing (on forms provided) no later than twenty-four (24) hours prior to the scheduled meeting. However, if no agenda for the meeting has been posted or distributed, the meeting may be canceled by notifying the Secretary of the Senate in writing (on forms provided) one (1) hour prior to the meeting; the request will be immediately adjudicated. Prior to the session, the Senate Administrative Affairs Committee shall furnish each Senator a list of all scheduled meetings. There shall be no standing committee meetings in the Senate Chamber except a scheduled public hearing.

(b) A vice chairman may preside in the absence of the chairman if he obtains a certificate from the President certifying that the chairman is incapacitated or if he is

directed in writing by the chairman to preside. All certifications or directions shall be recorded in the Senate Journal.

(c) No bill shall be reported to the Senate until it has been acted upon by the full standing committee, and all actions of any subcommittee shall be approved or disapproved by the standing committee.

(d) Each standing committee at its first organizational meeting for the term shall set a quorum; however, the quorum shall not be set at less than a majority of the membership of the committee. Ex officio members shall not be counted in setting a quorum for any committee.

(e) The secretary of each standing committee or subcommittee shall keep minutes of the meetings of the committee or subcommittee, as directed by the chairman, and shall see that proceedings of all meetings are reduced to writing. This record shall show the time and place of each meeting of the committee, the attendance of the committee members, and an accurate record of all votes taken. This record shall also include such additional information as the committee shall determine. Committee minutes shall be subject to correction only if authorized by a majority vote of the committee. The committee minutes shall include the number of all bills acted upon, all motions and results, and any appearances by any persons other than members of the committee.

(f) All committee reports shall be prepared under the direction of the chairman and no committee report shall be offered unless signed by the chairman of the committee or the person acting as chairman when the bill was voted upon.

(g) Testimony before the committee may be recorded at the discretion of the committee; however, any additional paid personnel to take testimony must be approved by the President of the Senate. Transcription of any recorded testimony shall be made or released only upon the written direction of the committee or the Secretary of the Senate when the Senate is not in session.

(h) The committee shall not vote on any bill until the author or his designee has been given the opportunity to appear and be heard. Each committee shall provide in writing the details for carrying out the provisions of this paragraph.

(i) When a bill or resolution is before the committee for consideration, the following shall be the precedence of the motions: 1. a motion that a bill do pass; 2. a motion that a bill do not pass; 3. a motion to postpone to a time certain; 4. a motion to refer a bill to a subcommittee.

(j) A do pass motion that fails does not automatically give a do not pass recommendation, nor does a do not pass motion which fails give an affirmative recommendation.

(k) Upon the call for the Yeas and Nays, if one-third of the members present sustain the call, the roll call shall be taken and recorded.

(l) The Chairman or the Senator presiding in the place of the Chairman shall not vote unless the committee shall be equally divided or unless his vote if given in the minority will make the division equal. In case the vote is equally divided, the Chairman or the Senator acting in his place must vote.

(m) No member of any committee shall be allowed to vote by proxy or abstain from voting.

(n) All motions in standing committees shall receive a second before being put by the presiding officer.

(o) Appeals from the ruling of the Chairman shall be in order if seconded. Procedure in committee following an appeal which has been properly seconded shall be the same procedure followed in the Senate.

(p) The minutes shall show the date and the time the committee convened and adjourned. Any member may file a statement from the chairman of a committee whose meeting he (the committee member) is attending to be included in the roll call portion of the minutes of any other committee meeting held at an overlapping time that he was absent because he was attending another standing committee meeting of which he is a member.

(q) Any member or members of a committee may file a minority report in writing as provided in Senate Rule 117.

(r) A committee cannot circumvent the provisions of the rules governing committees by suspending any rule or part thereof.

(s) When these rules are not applicable, the Senate rules shall apply, and when neither apply, the committee shall be governed by acceptable parliamentary procedure.

(t) No standing or interim committee or subcommittee of the Senate shall officially meet at any place within the State where any citizen of the State is denied admittance on the basis of religion, race, creed, nationality, or sex or on property belonging to any private club, organization, or association in which any citizen is denied membership on the basis of religion, race, creed, nationality, or sex; except a correctional facility may be exempt if security requirements demand.

(u) In order for local legislation to be favorably reported by the State and Local Governmental Operations Committee, such legislation must be approved by a majority of the Senators representing the political subdivision affected by such legislation; provided, however, if an even number of Senators representing multi-member political subdivisions are equally divided on any local bill or resolution, the legislation shall be considered by the State and Local Governmental Operations Committee on its merits, and the committee must then report the legislation to the Senate with the recommendation that it "do pass" or "do not pass".

(v) For the purpose of determining which Senator or Senators represent a

political subdivision, the Senator's district must include all or a portion of the geographical area of the political subdivision affected by the local legislation.

(w) Approval of local legislation shall be evidenced by a Senator's signature (last name only) and senatorial district in the designated place on the legislation. Once a bill has been signed (in black ink only), the signature is permanent and cannot be removed; however, any Senator retains the right to object under the provisions of Senate Rule 113 (b).

**Rule 188.** All officers and employees of the Senate shall be paid for their services by the Legislative Fiscal Officer from funds appropriated to the General Assembly.

(O.C.G.A. 28-4-6)

**Rule 189.** (a) No member of the Senate or Senate staff shall engage in any travel at State expense outside the State of Georgia unless such travel is first approved in writing by the Senate Administrative Affairs Committee. The person requesting such approval shall state in writing the places to be visited, the dates thereof and the purposes therefor, which purposes shall be directly relevant to legislative duties.

(b) Prior to any disbursement by the Legislative Fiscal Officer, there shall be on file with said Fiscal Officer a copy of the approval by the Senate Administrative Affairs Committee, and the person requesting reimbursement shall submit an itemized listing of all expenses claimed hereunder.

**Rule 190.** A person shall not be paid for services rendered to the Senate in any capacity while such person is drawing any salary, wages, or other compensation from any other Department of the State.

## **ELECTION AND INAUGURATION OF GOVERNOR.**

**Rule 191.** Every State officer whose election is not otherwise provided for shall be elected by the General Assembly in the same manner and at the same time as other officers are elected by the General Assembly.

(O.C.G.A. 28-1-12)

**Rule 192.** In nominating candidates for any office, no other candidate shall be disparaged.

**Rule 193.** All elections by either house of the General Assembly shall be by recorded vote, and the vote shall appear on the respective journal of each house.

(Ga. Const., art. III, sec. IV, par. X.)

**Rule 194.** In all elections, a majority of the Senators voting, provided the total vote constitutes a quorum, must make the choice.

**Rule 195.** On the Tuesday next following the general election, the Secretary of State shall transmit the returns for the elections for constitutional officers to the Constitutional Officers Election Board, which shall be composed of the Speaker and the Clerk of the House of Representatives, the President Pro Tempore and the Secretary of the Senate, and the chairperson of each standing committee of the General Assembly. The Speaker of the House shall act as the chairperson of such board. On said date, the chairperson shall convene such board at such time and place as the Speaker of the House shall determine, after having given due notice thereof to all members of the board and the candidates for constitutional offices. Each candidate shall be entitled to designate one person to be present at the opening of the returns. Such board shall open and publish the returns of each such election. The person having the plurality of the whole number of votes in each election shall be declared duly elected, and certified returns shall be made by the Constitutional Officers Election Board and filed with the Secretary of State.

(O.C.G.A. 21-2-498a.)

**Rule 196.** Until and unless Article V, Section II, Paragraph VIII(b) of the Constitution is amended so as to provide for plurality election of the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, such officers shall continue to be elected by majority vote as provided by the law in effect prior to July 1, 1994.

(O.C.G.A. 21-2-501d.)

**Rule 197.** The ceremony of inauguration shall take place during the first week of the first session of the General Assembly after the election and on such day of that week as the General Assembly, by joint resolution, shall appoint. If the General Assembly fails to appoint the day, the inauguration ceremony shall take place at 12:00 Noon on Saturday of that week unless prevented by providential cause. The Governor shall begin the discharge of his duties from the time of his inauguration.

(O.C.G.A. 45-12-2)

**Rule 198.** (a) The Governor-elect shall, before he enters on the duties of his office, take the following oath in the presence of the General Assembly in joint session

of the Senate and House of Representatives: "I do solemnly swear or affirm that I will faithfully execute the office of Governor of the State of Georgia and will, to the best of my ability, preserve, protect, and defend the Constitution thereof and the Constitution of the United States."

(b) Upon so taking the oath, the Governor-elect shall become Governor. The Lieutenant Governor-elect shall take the same oath with the substitution of "Lieutenant Governor" for "Governor" and upon so taking such oath shall become Lieutenant Governor.

(O.C.G.A. 45-12-4)

**Rule 199.** The Governor and Lieutenant Governor shall, before entering on the duties of office, take such oath or affirmation as prescribed by law.

(Ga. Const., art. V, sec. I, par. VI.)

**Rule 200.** The fact of such inauguration of the Governor shall be entered upon the Journal of the House of Representatives and shall be conclusive evidence of his right and title to the office and of his eligibility and qualification.

(O.C.G.A. 45-12-3)

## **CONSTITUTIONAL AMENDMENTS.**

**Rule 201.** (a) Amendments to this Constitution or a new Constitution may be proposed by the General Assembly or by a constitutional convention, as provided in this article. Only amendments which are of general and uniform applicability throughout the state shall be proposed, passed, or submitted to the people.

(Ga. Const., art. X, sec. I, par. I.)

**Rule 202.** (a) A proposal by the General Assembly to amend this Constitution or to provide for a new Constitution shall originate as a resolution in either the Senate or the House of Representatives and, if approved by two-thirds of the members to which each house is entitled in a roll-call vote entered on their respective journals, shall be submitted to the electors of the entire state at the next general election which is held in the even-numbered years. A summary of such proposal shall be prepared by the Attorney General, the Legislative Counsel, and the Secretary of State and shall be published in the official organ of each county and, if deemed advisable by the "Constitutional Amendments Publication Board," in not more than 20 other newspapers



in the state designated by such board which meet the qualifications for being selected as the official organ of a county. Said board shall be composed of the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. Such summary shall be published once each week for three consecutive weeks immediately preceding the day of the general election at which such proposal is to be submitted. The language to be used in submitting a proposed amendment or a new Constitution shall be in such words as the General Assembly may provide in the resolution or, in the absence thereof, in such language as the governor may prescribe. A copy of the entire proposed amendment or of a new Constitution shall be filed in the office of the judge of the probate court of each county and shall be available for public inspection; and the summary of the proposal shall so indicate. The General Assembly is hereby authorized to provide by law for additional matters relative to the publication and distribution of proposed amendments and summaries not in conflict with the provisions of this Paragraph.

(b) If such proposal is ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon in such general election, such proposal shall become a part of this Constitution or shall become a new Constitution, as the case may be. Any proposal so approved shall take effect as provided in Paragraph VI of this article. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately, provided that one or more new articles or related changes in one or more articles may be submitted as a single amendment.

(c) Any proposal by the General Assembly to amend this Constitution or for a new Constitution may be amended or repealed by the same General Assembly which adopted such proposal by the affirmative vote of two-thirds of the members to which each house is entitled in a roll-call vote entered on their respective journals, if such action is taken at least two months prior to the date of the election at which such proposal is to be submitted to the people.

(Ga. Const., art. X, sec. I, par. II & par. III.)

**Rule 203.** No convention of the people shall be called by the General Assembly to amend this Constitution or to propose a new Constitution, unless by the concurrence of two-thirds of the members to which each house of the General Assembly is entitled. The representation in said convention shall be based on population as near as practicable. A proposal by the convention to amend this Constitution or for a new Constitution shall be advertised, submitted to, and ratified by the people in the same manner provided for advertisement, submission, and ratification of proposals to amend the Constitution by the General Assembly. The General Assembly is hereby authorized to provide the procedure by which a convention is to be called and under which such convention shall operate and for other matters relative to such constitutional convention.

(Ga. Const., art. X, sec. I, par. IV.)

**Rule 204.** The Governor shall not have the right to veto any proposal by the

General Assembly or by a convention to amend this Constitution or to provide a new Constitution.

(Ga. Const., art. X, sec. I, par. V.)

### **APPROPRIATION, CLAIMS, AND FINANCE.**

**Rule 205.** No money shall be drawn from the Treasury except by appropriation made by law.

(Ga. Const., art. III, sec. IX, par. I.)

**Rule 206.** All bills for raising revenue, or appropriating money, shall originate in the House of Representatives.

(Ga. Const., art. III, sec. V, par. II.)

**Rule 207.** In either house, when ordered by the presiding officer or at the desire of one-fifth of the members present or a lesser number if so provided by the rules of either house, a roll-call vote on any question shall be taken and shall be entered on the journal. The yeas and nays in each house shall be recorded and entered on the journal upon the passage or rejection of any bill or resolution appropriating money and whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of a bill or resolution.

(Ga. Const., art. III, sec. V, par. VI.)

**Rule 208.** All resolutions which may appropriate money out of any funds shall be treated in all respects, in the manner of introduction and procedure, as bills; they shall originate in the House of Representatives, and shall receive three readings previous to their passage, but the Senate may propose or concur in amendments as in case of bills.

**Rule 209.** (1)(a) The Governor shall submit to the General Assembly within five days after its convening in regular session each year a budget message and a budget report, accompanied by a draft of a General Appropriations Bill, in such form and manner as may be prescribed by statute, which shall provide for the appropriation of the funds necessary to operate all the various departments and agencies and to meet the current expenses of the State for the next fiscal year.

(1)(b) The General Assembly shall annually appropriate those state and federal funds necessary to operate all the various departments and agencies. To the extent the federal funds received by the state for any program, project, activity, purpose, or expenditure are changed by federal authority or exceed the amount or amounts

appropriated in the general appropriations Act or supplementary appropriation Act or Acts, or are not anticipated, such excess, changed or unanticipated federal funds are hereby continually appropriated for the purposes authorized and directed by the federal government in making the grant. In those instances where the conditions under which the federal funds have been made available do not provide otherwise, federal funds shall first be used to replace state funds that were appropriated to supplant federal funds in the same state fiscal year. The fiscal year of the state shall commence on the first day of July of each year and terminate on the thirtieth of June following.

(1)(c) The General Assembly shall by general law provide for the regulation and management of the finance and fiscal administration of the State.

(Ga. Const., art. III, sec. IX, par. II)

(2)(a) Each General Appropriations Act, now of force or hereafter adopted with such amendments as are adopted from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall then expire, except for the mandatory appropriations required by this Constitution and those required to meet contractual obligations authorized by this Constitution and the continued appropriation of Federal Grants.

(2)(b) The General Assembly shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the State Treasury at the beginning of the fiscal year together with an amount not greater than the total Treasury receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds, as estimated in the Budget Report and amendments thereto. Supplementary appropriations, if any, shall be made in the manner provided in Paragraph V of this Section of the Constitution; but in no event shall a Supplementary Appropriations Act continue in force and effect beyond the expiration of the General Appropriations Act in effect when such Supplementary Appropriations Act was adopted and approved.

(2)(c) All appropriated state funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such General Appropriations Act shall lapse.

(Ga. Const. art. III, sec. IX, par. IV.)

(3) The General Assembly shall appropriate to a special trust fund to be designated "State of Georgia General Obligation Debt Sinking Fund" such amounts as are necessary to pay annual debt service requirements on all general obligation debt. The sinking fund shall be used solely for the retirement of general obligation debt payable from the fund. If for any reason the monies in the sinking fund are insufficient to make, when due, all payments required with respect to such general obligation debt, the first revenues thereafter received in the general fund of the state shall be set aside by the appropriate state fiscal officer to the extent necessary to cure the deficiency and shall be deposited by the fiscal officer into the sinking fund. The appropriate state fiscal officer may be required to set aside and apply such revenues at the suit of any holder

of any general obligation debt incurred under this section.

(Ga. Const., art. VII, sec. IV, par. III (2)(A).)

(4) The Governor, through the Office of Planning and Budget, shall prepare and submit a budget report to the General Assembly within five days after its organization for consideration either with or without amendments and modifications by the General Assembly.

(O.C.G.A. 45-12-74)

The budget report shall contain and include the following information:

(1). Summary statements of the financial condition of the State, accompanied by such detailed schedules of assets and liabilities as the Governor deems desirable, which shall include, but not be limited to, the following:

(A) A comparative consolidated balance sheet showing all the assets and liabilities of the State and the surplus or deficit, as the case may be, at the close of each of the two fiscal years last concluded;

(B) Summary statements of fund balances showing in detail for each fund the surplus or deficit at the beginning of each of the two fiscal years last concluded, the actual income of that year, the total appropriation of that year, and the total expenditures of that year; and

(C) Similar summary statements of the estimated fund balances for the current fiscal year and the next fiscal year;

(2). Statements of income and receipts for each of the two fiscal years last concluded, and the estimated income and receipts of the current fiscal year and the next fiscal year, and a statement of unappropriated surplus expected to have accrued in the State Treasury at the beginning of the next fiscal year. The statements of income and estimated income shall be itemized by sources and by the budget unit collecting the same. The statements of receipts and estimated receipts shall be itemized by sources and by the budget unit receiving the same. Existing sources of income and receipts shall be analyzed as to their equity, productivity, and need for revision, and any proposed new sources of income or receipts shall be explained;

(3). Summary statements of expenditures and disbursements for each of the two fiscal years last concluded, itemized by budget units under functional heads and showing the amounts expended for each major function of the government;

(4). A statement of the surplus account, showing the excess of all current assets over all current liabilities as of the end of each of the two fiscal years last concluded and all changes in surplus account during each of such two fiscal years;

(5). Detailed comparative statements of expenditures and requests for appropriations by funds, budget units, and budget classes, showing the expenditures for each of the two fiscal years last concluded, the budget of the current year, and the Governor's recommendations for appropriations for each budget unit for the next fiscal year, all distributed according to budget classes of ordinary recurring expenses of operation and maintenance, including, but not limited to, personal services and authority lease rentals, and of extraordinary expenses and capital outlay. Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the functions of the unit and comments on its policies and plans and on any considerable differences among the amounts expended and the amounts recommended, with such descriptive, quantitative, comparative, and other data as to work done, unit costs, and like information as is considered necessary or desirable. In connection with each budget class of capital outlays involving construction projects to be completed in two or more fiscal years, there shall be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project. Capital outlay needs shall be projected for a period that is consistent with each organization's approved strategic plan as summarized in the budget;

(6). A summary statement of the cash resources estimated to be available at the beginning of the next fiscal year and the estimated cash receipts of the fiscal year as compared with the total recommended amounts of appropriation for all budget classes for the year and, if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any proposed additional revenues;

(7). A draft of a proposed General Appropriations Act embodying the Governor's budget report and recommendations for appropriations for the next fiscal year and drafts of such revenue and other Acts as may be recommended for putting into effect the proposed financial plan. The recommended appropriation for each budget unit shall be specified in a separate section of the General Appropriations Act. The total amount of appropriations recommended shall not exceed the cash resources available to meet expenditures under such appropriations; and

(8). Such other information as the Governor deems desirable or as is required by law.

(O.C.G.A. 45-12-75.)

**Rule 210.** The general appropriations bill shall embrace nothing except appropriations fixed by previous laws; the ordinary expenses of the executive, legislative, and judicial departments of the government; payment of the public debt and interest thereon; and for support of the public institutions and educational interests of the state. All other appropriations shall be made by separate bills, each embracing but one subject.

(Ga. Const., art. III, sec. IX, par. III.)

**Rule 211.** All General Appropriations Bills, in addition to the customary

itemized statements of the amounts appropriated for the usual expenses of the executive, legislative, and judicial departments of the government, and for the support of the public institutions and educational interests of the state, shall contain also a like itemized statement of all amounts appropriated by any previous law to be paid annually out of the treasury; and such amounts so appropriated by previous laws, shall not be paid from the treasury, unless they are embraced in the General Appropriations Act.

**Rule 212.** (a) Except as hereinafter provided, the appropriation for each department, officer, bureau, board, commission, agency, or institution for which appropriation is made shall be for a specific sum of money; and no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof.

(b) An amount equal to all money derived from motor fuel taxes received by the State in each of the immediately preceding fiscal years, less the amount of refunds, rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1, of each year following, for all activities incident to providing and maintaining an adequate system of public roads and bridges in this state, as authorized by laws enacted by the General Assembly of Georgia, and for grants to counties by law authorizing road construction and maintenance, as provided by law authorizing such grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a General Appropriations Act; and said sum need not be specifically stated in any General Appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes an amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations, and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws of this state, unless such provisions are in conflict with the provisions of this paragraph. And provided, however, that the proceeds of the tax hereby appropriated shall not be subject to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief purposes on the Executive Order of the Governor.

(Ga. Const., art. III, sec. IX, par. VI.)

**Rule 213.** In addition to the appropriations made by the General Appropriations Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as Supplementary Appropriations Acts, provided no such supplementary appropriation shall be available unless there is an unappropriated surplus in the State Treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the General Fund of the State Treasury. Neither House shall pass a Supplementary Appropriations Bill until the General Appropriations Act shall have been finally adopted by both Houses and approved by the Governor.

**Rule 214.** (1)(a) There is created the Claims Advisory Board, hereinafter called the board, to be composed of the Secretary of State, who shall be the chairman, the Commissioner of Human Resources, the Commissioner of Corrections, and the Commissioner of Transportation. Whenever the board takes any official action authorized under the law or duly promulgated rules and regulations, three of the members shall constitute a quorum; however any of those individuals named above may be represented by a deputy or other designated employee; and any such action shall be valid if any two of the remaining three individuals are present during such action.

(1)(b) The Claims Advisory Board is assigned to the Secretary of State for administrative purposes only as prescribed in Code Section 50-4-3.

(O.C.G.A. 28-5-60)

(2)(a) Any resolution relative to a claim against the state or any of its departments or agencies must be introduced in the House of Representatives. No such resolution may be introduced unless a notice of claim has been filed with the board on or before the 15th day of November immediately preceding the introduction of the resolution, if the event giving rise to a claim against the state occurred on or before the fifth day of November. If said event occurred subsequent to the fifth day of November, immediately preceding the introduction of the resolution a notice of claim shall be filed as provided for in this Code section within ten days after the occurrence of the event giving rise to the claim. No such resolution shall be introduced after the twenty-fifth day of any regular session.

(2)(b) The board shall provide forms to be used in filing a notice of claim and shall make them available for such purpose. When the notice is filed, the board shall inform the person filing the notice, in writing, the information it will require in order to take action on the claim. Such information may include accident reports, affidavits, statements, bills, receipts, letters, documents, and any other supporting material or data deemed necessary by the board. All such information must be filed with the board prior to the introduction of the resolution.

(O.C.G.A. 28-5-80)

(3) It shall be the duty of each state department and agency to file with the Claims Advisory Board a notice of possibility of claim covering any occurrence which would be the subject of a notice of claim as provided in Code Section 28-5-80. Such notice of possibility of claim shall be filed on forms provided by the Claims Advisory Board and furnished to each state department and agency upon request. It shall be the duty of each state department and agency to file a notice of possibility of claim within 30 days after the date of any such occurrence. If filed within the same time limitations provided relative to the filing of notices of claim as provided in Code Section 28-5-80, a notice of possibility of claim shall be sufficient for action to be taken thereon; and the fact that no notice of claim has been filed within the time provided shall not prevent the introduction of a Resolution and action thereon as provided in this part.

(O.C.G.A. 28-5-81)

**Rule 215.** (a) Any Resolution authorized by Code Section 28-5-80 shall be referred by the Speaker of the House to the Appropriations Committee of the House; and the Clerk of the House shall transmit a certified copy of the Resolution to the chairman of the Claims Advisory Board not later than the day after its referral to the appropriations committee. Upon receipt of such copy, the chairman, after consultation with the other members of the board, shall set a time for acting on the claim and shall set a date for a hearing if a hearing is deemed necessary. In the event a hearing is to be held, the Representative introducing the bill shall be notified of the date, time and place thereof. Such other persons as the board deems necessary shall likewise be notified. The Representative introducing the resolution shall be notified as to the action taken by the board on the claim and the recommendation made by the board to the Appropriations Committee. In the event the Representative is dissatisfied with the recommendation of the board and no hearing has been held, he shall be entitled to have the board set a hearing by so requesting the chairman in writing.

(O.C.G.A. 28-5-82)

(b) Upon receipt of a notice of claim, the board may begin its investigation thereof; or it may wait until the supporting information provided for in Code Section 28-5-80 has been furnished. After investigation of the claim by the board, after introduction of the resolution, and after a hearing thereon, if any, the board shall prepare a statement including its findings, its determination of the merits of the claim, its recommendation as to the payment thereof and such other information as the board deems advisable. Such statement shall be immediately transmitted to the chairman of the House Appropriations Committee, who shall present the same to the full committee. The recommendations of the board shall be advisory in nature only and shall not be binding on the House of Representatives, the Senate, or any committee of either. The resolution shall be acted upon in the same manner as provided by law and the rules of the House and Senate for action upon bills.

(O.C.G.A. 28-5-83)

(c) No resolution provided for in this part shall be passed without being presented to the board. The board is prohibited from considering any resolution unless notice of claim is filed within the time provided for in Code Section 28-5-80, unless the resolution is introduced within the time limitations specified in Code Section 28-5-80, and unless the information required by the board is filed within the time limitations specified in Code Section 28-5-80. The board shall make no recommendations after the thirtieth day of any regular session.

(O.C.G.A. 28-5-84)

## **RULES.**



**Rule 216.** When any question arises which is not provided for in the foregoing rules, the same shall be controlled by the rules usually governing legislative bodies.

**Rule 217.** (a) No change in or addition to these rules shall be made, unless such proposed change or addition is first referred in writing to the Committee on Rules and reported back to the Senate.

(b) The rules may be suspended by unanimous consent or with the consent of two thirds (2/3) of the members to which the Senate is entitled without referral to the Committee on Rules, when not prohibited by the law or the Constitution.

(c) The Committee on Rules must report rules changes or additions submitted to it immediately after the confirmation of the Journal on the day following the introduction in the Senate of the proposed change or addition. A failure to so report such proposed change or addition to these rules within two days shall automatically bring said proposed change or addition before the Senate for consideration.

(d) At the beginning of any session, adoption of the Senate Organizational Rules resolution shall require an affirmative vote of a majority of the members to which the Senate is entitled. All subsequent resolutions introduced to change or amend the Senate Rules shall be assigned to committee and would require a two-thirds (2/3) affirmative vote of the members to which the Senate is entitled for adoption.

**Rule 218.** (a) Upon receiving nominations by the Governor that require Senate confirmation, the President shall notify the Senate that such nominations have been received. However, no nominations may be considered by the Senate until the expiration of seventy-two (72) hours after receipt thereof by the President, or until the expiration of forty-eight (48) hours after being referred to a committee. The Secretary shall make such nominations available for review by any Senator. Any Senator may notify the President in writing that he wishes to have a nomination considered by a standing committee; provided, however, any nomination to the State Board of Education or the Board of Regents shall be considered by a standing committee before consideration by the Senate without the necessity of a written request therefor, and said committee shall notify the Governor of the time, date and place of the committee meeting for consideration of such nomination. The President shall then refer any such nomination to the standing committee of the Senate which would ordinarily consider bills or resolutions relative to the board, bureau, commission or other office to which such nominee was nominated and such standing committee shall be called by the chairman of said standing committee within a reasonable time after receiving said request from the President. At the time the Senate considers such nominations, the committee or committees shall make their recommendations, if any, relative to such nominees.

(b) This Rule may be suspended by a majority vote of the Senate during the last ten (10) days of the session.

(c) Upon the request of any Senator the appointee must furnish to the Senate a

resume of all business transactions that he has had with the State of Georgia during the period of the two years before the appointment.

**Rule 219.** (a) All sessions of the Senate and all meetings of Senate committees shall be open to the public, except:

By a majority vote of a quorum of a committee or subcommittee, a meeting may be closed to the public when the committee or subcommittee is (1) discussing the future acquisition of real estate, (2) discussing the appointment, employment, or dismissal of a public officer or employee or disciplinary action against such officer or employee, or (3) hearing complaints or charges brought against a public officer or employee, unless the officer or employee requests that the meeting be open to the public.

(b) All meetings of Conference Committees shall be open to the public, except when a Conference Committee has been appointed and has begun meeting, if two Senate members of the Committee and two House members of the Committee shall decide that the efficiency of the committee is being impeded or the committee is unable to make sound fiscal recommendations, resulting from public meetings, a report of this decision shall be made by the Senate conferees to the full Senate. The full Senate shall then vote, and if a majority of the members elected to the Senate vote to adopt said report, the Conference Committee shall continue its deliberations in Executive Session. The Conference Committee may establish rules for the conduct of its meetings not in conflict with the provisions of this rule.

**Rule 220.** (a) No substitute or amendment to any retirement bill shall be offered which changes the version of the bill on which the most recent fiscal note was submitted until a new fiscal note covering the provisions of the substitute or amendment is supplied to the Secretary of the Senate and made available to all members.

(b) No retirement bill shall be put upon its passage, nor shall any House amendment, House substitute or conference committee report to a retirement bill, if said conference committee report changes the bill from its version as passed by the Senate, be adopted, until an adequate fiscal note covering the bill, or covering the House amendment, House substitute or conference committee report is supplied to the Secretary of the Senate and made available to all members.

(c) The term 'fiscal note' as used in this rule, shall be a fiscal note within the meaning of the 'Georgia Fiscal Note Act' (Ga. Laws 1975, p. 1568), as amended, except that a fiscal note which expresses the opinion that sufficient information is not available to prepare an accurate and complete fiscal note shall not constitute an adequate fiscal note for the purposes of the requirements of paragraph (b) of this rule. The term 'retirement bill', as used in this rule, shall be as defined by said 'Georgia Fiscal Note Act'.

(d) The provisions of this rule may be suspended by a two-third's vote of the members elected to the Senate by a roll-call vote.

**RULES FOR THE GOVERNMENT  
OF THE GENERAL ASSEMBLY  
WHEN IN  
JOINT SESSION.**

1. The Senate and House of Representatives shall meet in joint session in the chamber of the House of Representatives as soon as possible after the start of the session, at such time as may be fixed by joint resolution of both houses, for the purpose of electing such officers of the state as may be required to be elected by the General Assembly. Such joint session shall continue in morning and afternoon sessions from day to day until all of such officers are elected.

2. (a) The time of the meeting of the two Houses in joint session shall be determined otherwise by concurrent resolution of the Senate and House of Representatives, except where provided by law.

(b) When the Senate and the House of Representatives unite for the purpose of elections, they shall meet in the chamber of the House of Representatives at the hour determined by the concurrent resolution, and the President of the Senate shall preside and declare the result.

3. (a) The President of the Senate shall preside, announce that the General Assembly is in joint session, and cause to be read the resolution convening the same. The President of the Senate shall put all questions to the body and decide all questions of order. An appeal may be taken from any of the President's decisions to the whole General Assembly.

(b) In the absence of the President of the Senate, the Speaker of the House shall preside; in the absence of both the President of the Senate and the Speaker of the House, the President Pro Tempore of the Senate shall preside; in the absence of the three last named, the Speaker Pro Tempore of the House shall preside.

4. A majority of each house shall be necessary to constitute a quorum of the joint session.

5. After a person is nominated for any office in joint session of the General Assembly, it shall not be in order to second such nomination. When the nomination is declared closed, the President shall forthwith order the roll call, and each member, when called, shall rise in his or her seat and respond promptly, announcing distinctly his or her choice for such office.

**6.** No debate shall be in order, except as to questions of order.

**7.** The election in joint session shall be by recorded vote, and the vote shall appear on the journal of the House of Representatives. The votes are to be taken for but one election at one time, and a majority of the whole number of members to which the General Assembly is entitled is necessary for a choice.

**8.** In elections by the General Assembly, no member, after having voted, shall be allowed to change his or her vote unless the member rises and states in his or her place that he or she voted by mistake or that his or her vote has been recorded by mistake.

**9.** No motion to adjourn shall be in order. In lieu thereof, there shall be the motion to dissolve the joint session, which shall be in the form, "that the joint session of the General Assembly be now dissolved," or "that the joint session of the General Assembly be now dissolved to be reconvened at (a time named)." The latter motion shall have precedence over the former.

**10.** The motion to dissolve the joint session, either indefinitely or until a fixed time, shall always be in order, except that, after the roll call has commenced, it shall not be in order until after the result of the vote has been declared by the President of the Senate.

**11.** When a motion to dissolve a joint session is decided in the negative, the motion shall not again be in order until other business has intervened.

**12.** When a motion to dissolve a joint session, either indefinitely or to a fixed time, is decided in the affirmative, the President of the Senate shall so declare, and the Senate shall, without further motion, immediately return to the Senate chamber.

**13.** These rules may be amended by the concurrent resolution of the two houses. Any or all of these rules shall cease to be in force when either house shall notify the other house of the withdrawal of its consent to the same.